

Gc  
977.2  
H62ic  
no.53  
1214008

**GENEALOGY COLLECTION**



N  
ALLEN COUNTY PUBLIC LIBRARY



3 1833 02408 4516



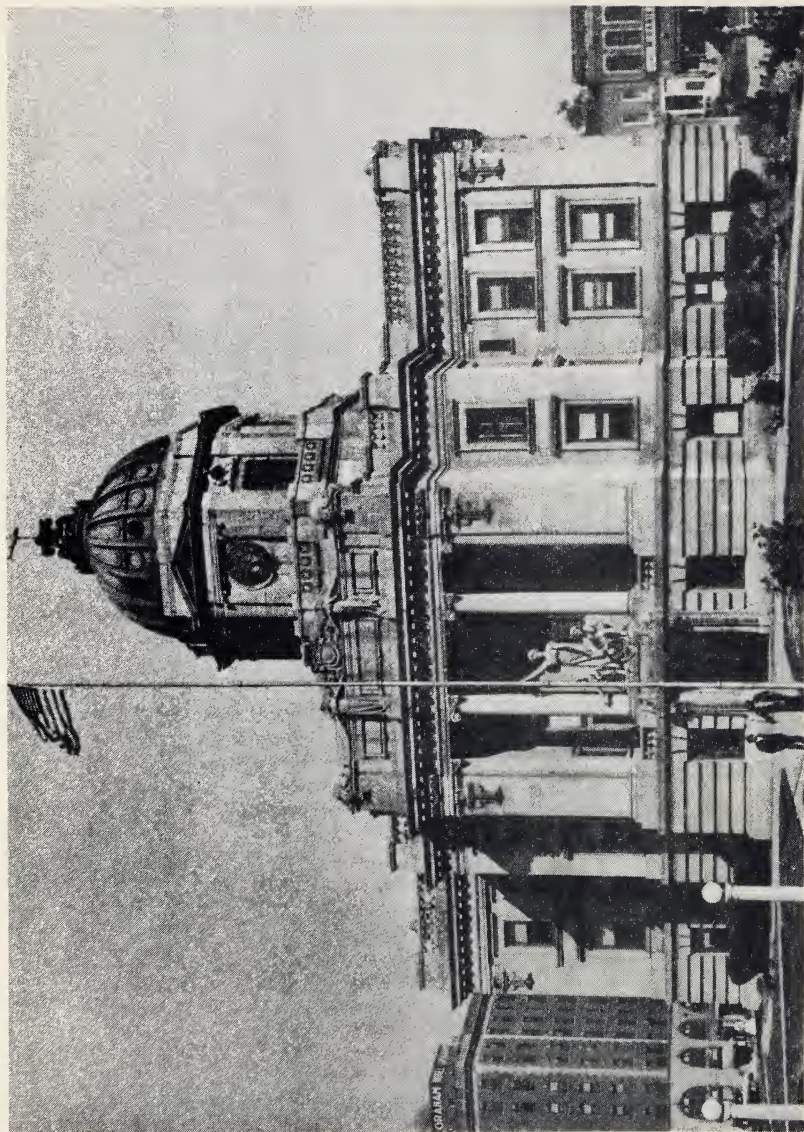








Digitized by the Internet Archive  
in 2014



MONROE COUNTY COURTHOUSE, BLOOMINGTON, INDIANA



INVENTORY OF THE COUNTY ARCHIVES  
OF INDIANA

Prepared by

The Indiana Historical Records Survey  
Division of Professional and Service Projects  
Work Projects Administration

Sponsored by  
Indiana Historical Bureau

No. 53. MONROE COUNTY  
(BLOOMINGTON)

---

The Indiana Historical Records Survey  
Indianapolis  
1940



Ohio Cook Doc # 300

## FOREWORD

1214008

*The Inventory of the County Archives of Indiana* is one of a number of bibliographies of historical materials prepared throughout the United States by workers on The Historical Records Survey Program of the Work Projects Administration. The publication herewith presented, an inventory of the archives of Monroe County, is number 53 of the Indiana series.

The Historical Records Survey Program was undertaken in the winter of 1935-36 for the purpose of providing useful employment to needy unemployed historians, lawyers, teachers, and research and clerical workers. In carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political, economic, and social history. The archival guide herewith presented is intended to meet the requirements of day-to-day administration by the officials of the county, and also the needs of lawyers, business men, and other citizens who require facts from the public records for the proper conduct of their affairs. The volume is so designed that it can be used by the historian in his research in unprinted sources in the same way he uses the library card catalog for printed sources.

The inventories produced by The Historical Records Survey Program attempt to do more than give merely a list of records—they attempt further to sketch in the historical background of the county or other unit of government, and to describe precisely and in detail the organization and functions of the government agencies whose records they list. The county, town, and other local inventories for the entire country, will, when completed, constitute an encyclopedia of local government as well as a bibliography of local archives.

The successful conclusion of the work of The Historical Records Survey Program, even in a single county, would not be possible without the support of public officials, historical and legal specialists, and many other groups in the community. Their co-operation is gratefully acknowledged.



The Survey Program was organized by Dr. Luther H. Evans, who served as Director until his appointment as Director of the Legislative Reference Service of the Library of Congress. He was succeeded on March 1, 1940 by Sargent B. Child, who had served in the capacity of Field Supervisor since the inauguration of the Survey. The Survey Program operates as a nation-wide series of locally sponsored projects in the Division of Professional and Service Projects, of which Mrs. Florence Kerr, Assistant Commissioner, is in charge.

F. C. HARRINGTON  
Commissioner

## PREFACE

The Historical Records Survey, one of the Projects of the Division of Professional and Service Projects of the Work Projects Administration, was organized in January 1936 with Dr. Luther H. Evans as National Director. The survey of local public records was begun in Indiana on February 19, 1936 as part of the Federal Writers' Project. Samuel J. Kagan was assigned to direct public records work, and was named State Director of the Survey in September 1936 when it became independent of the Writers' Project. On September 1, 1939 the Indiana Historical Records Survey became a state project under the sponsorship of the Indiana Historical Bureau. Roger A. Hurst was appointed State Supervisor of the Survey in January 1940, and Canis E. Brockway continued as Assistant State Supervisor. Dr. Evans was succeeded as National Director by Sargent B. Child in March 1940.

The objectives of the Indiana Historical Records Survey are to discover, preserve, and make accessible historical materials of a public or semi-public nature. Inventories of the records of counties, cities, towns, and churches, and guides to manuscript depositories and collections are or will be published. The Survey also transcribes certain early county records as a measure of preservation.

*The Inventory of the County Archives of Indiana* will consist of a separate volume for each county. A list of inventories published to date appears at the end of this volume. Numbers are assigned according to the county's position in an alphabetical list and thus the Monroe County volume is number 53. The field work of the Survey in Monroe County was begun March 9, 1936 and completed June 29, 1936. Many field trips have been made since to check information used in this book and the final recheck was made in July 1940.

The inventory proper is preceded by essays on the history, government, and record housing of the county. The records themselves are described in entries giving the following information: Title of record, dates available, quantity, labeling, variant titles, description of contents, arrangement,

indexing, nature of recording, size, and location. The various bureaus of the county are arranged in functional order: Governing boards; major administrative offices; judicial offices; and financial, election, educational, health, public welfare, engineering, and other groups. Wherever applicable, natural groupings under separate headings are made within each bureau.

Field work for this volume was submitted to a state editorial staff directed by Frank E. Ross. Staff department heads were: Marshall Cowgill, record entries; W. Davis Hamilton, legal research; Howard Oates, proofreading and indexing; Dr. J. Harley Nichols, historical sketch and housing essay; and Fred S. Knodle, cartography. This volume was multigraphed by WPA labor directed by William Deupree.

The Survey is deeply indebted to many Monroe County officials; to Dr. Christopher B. Coleman, Director, Indiana Historical Bureau, who gave valuable advice and service; to John K. Jennings, State WPA Administrator; to Mildred E. Schmitt, State Director, Professional and Service Projects Division, who has rendered the Survey important service in administrative matters; to John D. Stuckey, Chief, Research and Records Section; and to many others who contributed time and effort. The Indiana staff received valuable advice and criticism from the National Office of the Survey. This inventory in manuscript form was edited by Mabel S. Brodie, assistant archivist in charge of public records inventories, of the Library of Congress Project staff in the District of Columbia.

Five hundred copies of this book have been published and many have been distributed to libraries, universities, government offices, and other depositories over the state and the nation. Copies will also be available in Monroe County for persons, offices, or institutions having occasion to use county records or to study local government.

ROGER A. HURST

State Supervisor

The Indiana Historical Records Survey

Indianapolis, Indiana

July 1940



# THE HISTORICAL RECORDS SURVEY PROGRAM

Sargent B. Child, Director

Roger A. Hurst, State Supervisor

## DIVISION OF PROFESSIONAL AND SERVICE PROJECTS

Florence Kerr, Assistant Commissioner

Alma B. Kerr, Chief Regional Supervisor

Mildred E. Schmitt, State Director

## WORK PROJECTS ADMINISTRATION

F. C. Harrington, Commissioner

George H. Field, Regional Director

John K. Jennings, State Administrator

---

## MONROE COUNTY OFFICIALS

1940

### BOARD OF COMMISSIONERS

Roscoe Caviness

Frank Miller

Thomas Phillips

### BOARD OF FINANCE

Roscoe Caviness

Frank Miller

Thomas Phillips

### COUNTY COUNCIL

P. H. Burch

John S. Curry

Harold Gifford

L. C. McDaniel

George W. Oldham

L. W. Pauley

Wesley Robertson

### COUNTY BOARD OF TAX ADJUSTMENT

F. H. Austin

Loba Jack Bruner

Harold Gifford

Mary P. Holmsteat

Velorus Martz

George C. Miller

Ralph Ridge

### CLERK OF THE CIRCUIT COURT

Paul Harvey

### TREASURER

William C. Reeves

### RECORDER

Glenn Shields

### COUNTY ASSESSOR

Sherman I. Wright

## JUDGE OF THE CIRCUIT COURT

Donald A. Rogers

## SHERIFF

Earl M. Baxter

## CORONER

Hugh S. Ramsey

## PROSECUTING ATTORNEY

Floyd F. Cook

## AUDITOR

William C. East

## REGISTRATION OFFICER

Paul Harvey

## COUNTY BOARD OF REVIEW

Ralph Curry

William C. East

William C. Reeves

W. Irwin Taylor

Sherman I. Wright

## COUNTY BOARD OF EDUCATION

*Composed of the county superintendent of schools, the township trustees, and the chairmen of municipal school boards*

## COUNTY SCHOOL FUND BOARD

Donald Bowen

William C. East

Paul Harvey

## COUNTY BOARD OF PUBLIC WELFARE

Louis Becovitz

Ford P. Hall

Mrs. Marion J. Moffat

Mrs. Eva T. Southern, Director

Charles A. Stump

Mary Quinn McDonald

## COUNTY HEALTH OFFICER

Dr. Floyd Rogers

## BOARD OF PRIMARY ELECTION

## COMMISSIONERS

Beryl S. Holland

Paul Harvey

James R. Regester

## SURVEYOR

Victor A. Netcott

## COUNTY HIGHWAY SUPERVISOR

Lloyd Starnes

## COUNTY SUPERINTENDENT OF SCHOOLS

Clarence Leuck

## COUNTY AGRICULTURAL AGENT

Walter Rodgers

## COUNTY BOARD OF CANVASSERS

## AND COUNTY BOARD OF ELECTION

## COMMISSIONERS

Beryl S. Holland

Paul Harvey

James R. Regester

## COMMISSION OF PUBLIC RECORDS

*Composed of the judge and clerk of the circuit court, the president of the board of commissioners, and the auditor*

## TOWNSHIP TRUSTEES

Harlin Cracraft

J. P. Fowler

Charles Franklin

J. B. Jones

George C. Miller

O. C. Moore

Percy Pontius

J. M. Rice

J. D. Robertson

Claude Robinson

C. F. Ryan

J. H. White

## PUBLIC HEALTH NURSE

Mary Hanna

## CONTENTS

### PART A. MONROE COUNTY AND ITS RECORDS SYSTEM

	Page
1. Historical Sketch .....	1
<p style="margin-left: 40px;">Natural setting. Early Indiana. White settlement. Creation and organization. Early county finance. Transportation. Agriculture. Industry. Social welfare. Education. Early journalism. Monroe County today.</p>	
2. Governmental Organization and Records System .....	23
<p style="margin-left: 40px;">Legal status of the county. Structural development of county government: Officers, Boards, Courts. General administration: Contracts, Actions. Recordation. Judiciary. Law enforcement. Finance: Appropriations and budgets, Taxation, Excise taxes and licensing, Fees, Funds received from the state, Claims and allowances, Custody and disbursement of funds, Public debt. Elections. Education: Funds, Organization. Public health: Vital statistics. Welfare assistance. Public works and property: Roads and bridges, Public buildings, Drainage, Other public property. Agriculture. Records system.</p>	
3. Housing, Care, and Accessibility of the Records .....	105
4. Bibliography .....	117
5. Abbreviations, Symbols, and Explanatory Notes .....	123

### PART B. COUNTY OFFICERS AND THEIR RECORDS

I. Board of Commissioners .....	129
<p style="margin-left: 40px;">Proceedings and reports. Bond issues. Liquor dealers' surety bonds. Bids and contracts. Claims and allowances. Public improvements.</p>	
II. County Council .....	146
III. Clerk of the Circuit Court .....	150
<p style="margin-left: 40px;">Official bonds. Licenses and certificates: Marriage, Professional, Commercial, Firearms. Miscellaneous. Receipts and disbursements.</p>	

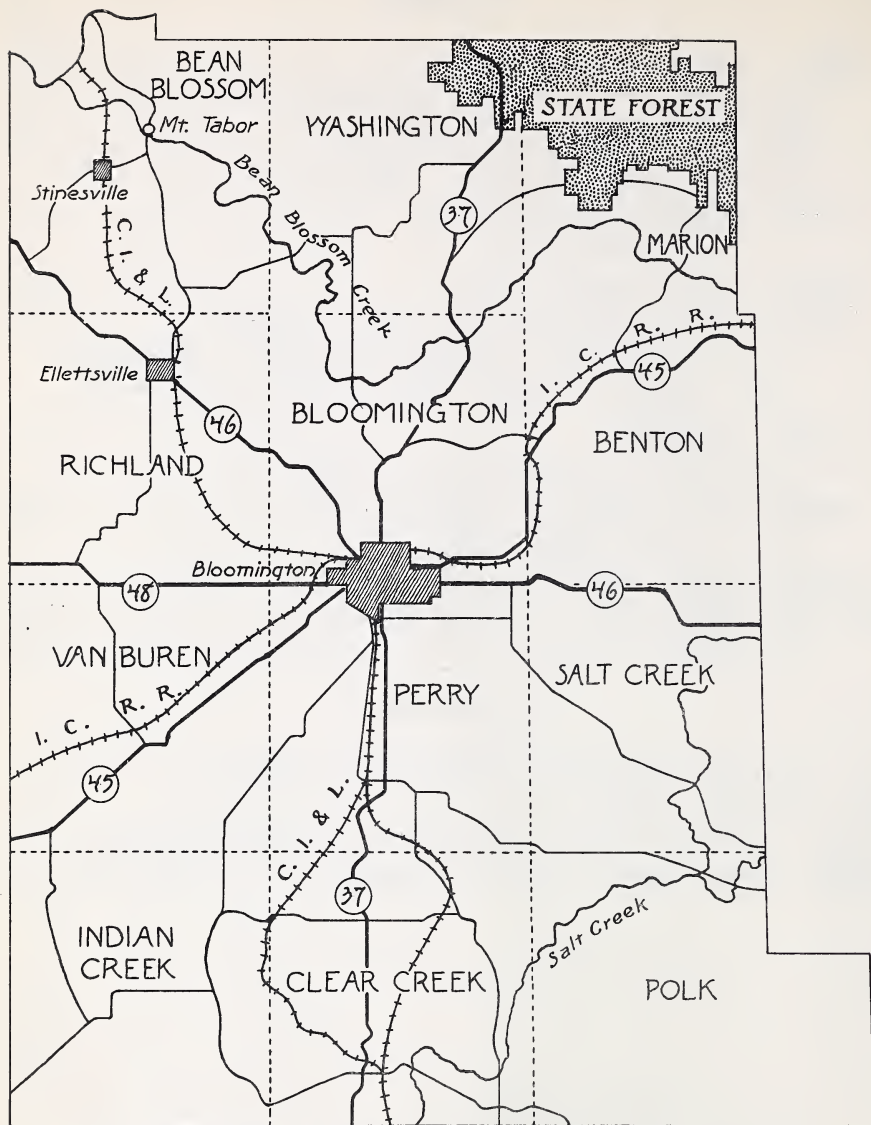
IV. Recorder .....	165
Filing of instruments for recording. Land transfers: Deeds and titles, Plats. Mortgage transactions: Real estate, Chattel, Releases and assignments. Liens. Miscellaneous. Fee and cash records. Newspapers. Maps.	
V. Circuit Court .....	184
Civil causes: Filing of actions, Original documents, Coroner's inquests, Insanity, Riley Hospital, Feeble-mindedness and epilepsy, Naturalization. Receivership, Minutes, Orders, Judgments, Executions, Complete transcripts, Fee and cash records. Criminal causes: Filing of actions, Original documents, Affidavits and indictments, Bonds, Minutes, Judgments. Probate causes: Filing of actions, Original documents, Bonds, Wills, Inventories and sale bills, Minutes, Orders, Complete transcripts, Fee and cash records. Juvenile causes. Miscellaneous court records.	
VI. Sheriff .....	223
Service on writs. Executions on judgments. Jail records. Reports, bonds and warrants. Fee and cash records.	
VII. Coroner .....	233
VIII. Prosecuting Attorney .....	236
IX. County Assessor .....	244
X. County Board of Review .....	249
XI. County Board of Tax Adjustment .....	254
XII. Board of Finance .....	257
XIII. County School Fund Board .....	259
XIV. Treasurer .....	265
Taxation: Real, personal and poll, Inheritance, Intangible, Public improvements, Collections. Receipts and disbursements: General fund, School funds.	
XV. Auditor .....	277
Audits and reports. Receipts and disbursements: General fund, School fund. Taxation: Real, personal and poll, Public improvements, Exemptions, Tax sales. Official bonds. Public welfare. Miscellaneous. Maps.	
XVI. Registration Officer .....	316
XVII. Board of Primary Election Commissioners .....	322

# CONTENTS

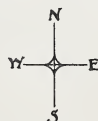
	xi
	Page
XVIII. County Board of Canvassers .....	327
XIX. County Board of Election Commissioners .....	329
XX. County Board of Education .....	335
XXI. County Superintendent of Schools .....	337
Reports. Teachers. Pupils.	
XXII. County Health Officer .....	350
Vital Statistics.	
XXIII. Public Health Nurse .....	354
XXIV. County Department of Public Welfare .....	361
Proceedings. Old-age assistance. Dependent children. Blind. Receipts and disbursements. Claims.	
XXV. Surveyor .....	371
Surveys. Public improvements.	
XXVI. County Highway Supervisor .....	376
Public improvements.	
XXVII. County Agricultural Agent .....	379
XXVIII. Commission of Public Records .....	383
Index .....	385

## ILLUSTRATIONS

Monroe County Courthouse, Bloomington, Indiana .....	<i>Frontispiece</i>
Map of Monroe County .....	xii
Chart of Monroe County Governmental Organization, 1940 ...	31
Floor Plans, Monroe County Courthouse .....	111, 113, 115



Scale of Miles



MAP OF MONROE COUNTY





## PART A. MONROE COUNTY AND ITS RECORDS SYSTEM

### 1. HISTORICAL SKETCH

Monroe County is located in the south central part of Indiana, southwest of Indianapolis. By counties it is bounded on the north by Morgan and Owen, on the west by Owen and Greene; on the south by Lawrence, and on the east by Jackson and Brown. The outline of the county is rectangular save for a projection in the southeast and an irregularity where the West Fork of White River becomes the boundary at the northwest corner. The county has an area of 416 square miles or 266,240 acres. It was named in honor of James Monroe, President of the United States when the county was created.<sup>1</sup>

### NATURAL SETTING

The county is a part of three long, narrow physiographic areas, which extend roughly parallel to each other from the Ohio River on the south to the Wisconsin glacial line, which crosses the state in a general east and west direction, passing through Morgan County.<sup>2</sup>

The easternmost of these areas, the Norman upland, includes the eastern portion of the county almost as far west as Harrodsburg, Smithville, Unionville and Hindustan. It is a portion of a former plain into which streams have cut valleys from 200 to 400 feet deep. The Crawford upland, the westernmost of the three areas, includes the southwest portion of the county. It also is a dissected plain, but the ridge tops are broader and more rounding than those in the eastern part of the county. The part of the county between

---

<sup>1</sup> *Year Book of the State of Indiana for the Year 1936* (Fort Wayne, Indiana, 1937), 883.  
Henry Gannett, "The Origin of Certain Place Names in the United States" *U. S. Department of the Interior, Bulletin No. 258* (Washington, D. C. 1905), 212

<sup>2</sup> For a map showing the physiographic areas of Indiana see *Handbook of Indiana Geology* (Indianapolis, Indiana, 1922), 66.

the two upland areas belongs to the Mitchell plain, the third of the physiographic areas. In general its surface is level but is irregular in places, due to numerous sink holes and rough areas in the vicinity of streams.<sup>3</sup>

The county lies entirely in the drainage basin of the two forks of the White River. Its principal streams are Bean Blossom Creek and Salt Creek. The former enters the county across the eastern boundary about 6 miles from the north side, makes a wide bend across the northern half of the county and flows into the West Fork of the White River near Gosport, at the northwest corner of the county. Its principal tributary is Jack's Defeat Creek, which enters it from the south at Mount Tabor. Salt Creek flows across the southeast corner of the county and discharges into the East Fork of the White River in Lawrence County. It is joined by Clear Creek from the north just before leaving the county. Indian Creek drains the southwestern part of the county but the greater part of it is in Greene County.

The mean annual temperature of the county is about 53° Fahrenheit, the difference between the mean of summer and the mean of winter being about 44°. The annual precipitation is about 38 inches and the average growing season about 175 days.<sup>4</sup>

#### EARLY INDIANA

Before the coming of the white men to what is now Indiana, a copper-colored race known to the white people as Indians hunted in its forests and paddled their canoes on its streams. The food which they obtained from hunting and fishing was supplemented by the products of a rude agriculture.

The tribe most intimately identified with Indiana was the Miami, whose territorial claims as laid down by their great chief, Little Turtle, during the process of treaty making at Greenville, Ohio, in 1795, embraced the entire state.<sup>5</sup> Either because of inability or unwillingness to enforce their claims other tribes were permitted by the Miami to occupy the

---

<sup>3</sup> T. M. Bushnell and Earl D. Fowler, "Soil Survey of Monroe County, Indiana," *Bulletin, United States Department of Agriculture, Bureau of Soils, in Co-operation with Purdue University Agricultural Experiment Station* (Washington, D. C., 1928), 1723, 1724.

<sup>4</sup> *Ibid.*, 1725.

<sup>5</sup> *American State Papers, Indian Affairs* (Washington, D. C., 1832), 1:570, 571.

region between the Ohio and White rivers.<sup>6</sup> By 1800 the Potawatomi had occupied the northern part of Indiana as far south as the Wabash.<sup>7</sup>

The first white people to come to Indiana were the French. In the latter part of the 17th century, they made voyages of discovery and exploration from Canada into the Ohio country, as the territory northwest of the Ohio River came to be called. These were followed by trading and missionary activity among the natives of the region. In the first half of the 18th century three French trading posts were established within what is now Indiana: Post Miami, on the present site of Fort Wayne, about 1715; Ouiatenon, on the Wabash, near the present Lafayette, about 1719 or 1720; and Vincennes, on the lower Wabash, sometime before March 1733.<sup>8</sup>

Early in the 18th century the English began to enter the Ohio Valley from the East. The conflicting claims of the two nations led to the French and Indian War, as a result of which France lost her colonial empire in America. During the American Revolution, George Rogers Clark conquered the Ohio country and in 1778 Virginia organized it as the "County of Illinois."<sup>9</sup> At the close of the Revolution, Massachusetts, Connecticut, New York and Virginia, who laid claim to the area in whole or in part, ceded their claims to the United States and in 1787 Congress organized it as the Northwest Territory.<sup>10</sup> From this, five states and a part of the sixth were subsequently created. Indiana Territory, embracing all the area between the present State of Ohio and the Mississippi River, except a small portion of the present Michigan and a triangular area in the southeastern part of the present Indiana known as "the gore," was organized in 1800.<sup>11</sup> In 1816 Indi-

---

<sup>6</sup> F. W. Hodge, editor, *Handbook of American Indians North of Mexico* (Washington, D. C., 1912), 1:385.

<sup>7</sup> *Ibid.*, 2:290.

<sup>8</sup> Oscar J. Craig, "Ouiatenon," *Indiana Historical Society Publications* (Indianapolis, Indiana, 1893), vol. 2, no. 2. P. G. Roy, "Sieur de Vincennes Identified," *Indiana Historical Society Publications*, vol. 7, no. 7. P. C. Phillips, "Vincennes in Its Relation to French Canadian Policy," *Indiana Magazine of History*, December 1921 (Bloomington, Indiana, 1921).

<sup>9</sup> Adam Shortt and A. G. Doughty, *Documents Relating to the Constitutional History of Canada, 1759-1791* (Ottawa, Ontario, 1907). W. W. Hening, *The Statutes at Large . . . of Virginia* (Richmond, Va., 1821), 9:552.

<sup>10</sup> Clarence E. Carter, editor, *The Territorial Papers of the United States* (Washington, D. C., 1934), 1:39-50.

<sup>11</sup> *Annals of Congress*, 6th Congress, 1st Session (Washington, D. C., 1834-56), 1498.

ana with approximately its present boundaries was organized and admitted into the Union as a state.<sup>12</sup>

The Indian titles to lands in Indiana were extinguished as a result of 54 separate cessions, extending from the treaty of Greenville of 1795 to 1872, when the last Indian reserve was abolished.<sup>13</sup> All that portion of Monroe County lying south of a line extending in a general southeasterly direction from near Gosport was a part of a cession made by the Miami, Delaware, and Potawatomi Indians, by treaty of September 30, 1809.<sup>14</sup> The portion of the county north of that line was a part of the New Purchase, a large tract of land in central Indiana, obtained in 1818 by treaties with the Miami and Delawares. The former of these treaties greatly increased the dissatisfaction already existing among the Indians, especially the Shawnee, who, under the leadership of Tecumseh and the Prophet, maintained that no tribe had a right to alienate Indian lands without the consent of all the tribes. The attempt to organize an Indian confederacy to resist further encroachment by the whites, collapsed as a result of the battle of Tippecanoe in November 1811.<sup>15</sup>

#### WHITE SETTLEMENT

The first settlers of Monroe County came from Clark County, Indiana, and from Kentucky; these were later joined by settlers from the Carolinas, Virginia, and Tennessee. As early as 1810 or 1811, it is thought, there were a few "professional pioneers" or squatters in the county.<sup>16</sup> The earli-

<sup>12</sup> For the enabling act see *Annals of Congress*, 14th Congress, 1st Session, 1841; for the resolution admitting Indiana to the Union see *Ibid.*, 14th Congress, 2d Session, 1848.

<sup>13</sup> For a complete list of the cessions, together with a map showing their locations, see William Henry Smith, *History of the State of Indiana* (Indianapolis, Indiana, 1903), 1:181-186. For the text of the treaties see "Treaties between the U. S. and Indian Tribes," *The Statutes at Large of the United States of America* (Boston, Mass. and Washington, D. C., 1845-), 7:49 *et seq.* (series hereinafter cited as *U. S. Statutes at Large*; and Charles J. Kappler, *Indian Affairs, Laws and Treaties*, published as *U. S. Senate Document No. 452*, 57th Congress, 1st Session (Washington, D. C., 1904, 2:30 *et seq.*

<sup>14</sup> Kappler, *op. cit.*, 2:101, 102.

<sup>15</sup> *Ibid.*, 2:170-174. W. H. Smith, *History of the State of Indiana* (Indianapolis, Indiana, 1903), 1:18, 119.

<sup>16</sup> Indiana, *Annual Report of the Department of Geology and Natural Resources, 1879-1880* (Indianapolis, Indiana, 1881), 59 (series hereinafter cited as *Indiana Geological Report*). Charles Blanchard, editor, *Counties of Morgan, Monroe and Brown, Indiana* (Chicago, Illinois, 1884), 451, 452.



est of these was probably Daniel McHolland, a famous hunter, who supported his family for the greater part with his rifle. McHolland settled in Clear Creek Township.<sup>17</sup> In 1816 or 1817 David Rogers and Robert Graham built log houses on the present site of Bloomington.<sup>18</sup> In October 1816 William Edmundson erected a log cabin within a short distance of the present Ellettsville. About the same time George Parker, George Sharp, Coleman Pruett, and Lewis Noel came to the same neighborhood.<sup>19</sup> Either Nathaniel Gilbert or Abner Evans, each of whom came to the county in 1816, was the first to settle in Bean Blossom Township.<sup>20</sup>

The portion of the county south of the Indian treaty line of 1809 was surveyed in the autumn of 1812, Arthur Henrie and William Harris being the surveyors; the part north of that line was surveyed by Thomas Brown and J. Hedges in 1819. The first land was placed on the market in 1816. During the remainder of that year more than 100 entries of land in the county were made.<sup>21</sup>

By an act of Congress of March 3, 1807, Congress established a land office at Jeffersonville, on the Ohio.<sup>22</sup> The greater portion of the lands in Monroe County were entered at this office.<sup>23</sup> The rectangular system of survey used in Monroe County was established for the Northwest Territory by an act of Congress approved May 18, 1796. By the same act a minimum price of \$2 per acre was placed on public lands.<sup>24</sup> An act of 1820 lowered the minimum price of public land to \$1.25 per acre and provided that tracts as small as 80 acres might be purchased. The credit system of payment provided for by an earlier act was abolished.<sup>25</sup>

#### CREATION AND ORGANIZATION

Monroe County was created by an act of the Indiana General Assembly of January 14, 1818, effective April 10 the same

---

<sup>17</sup> Blanchard, *op. cit.*, 488, 522.

<sup>18</sup> *Ibid.*, 452.

<sup>19</sup> *Ibid.*, 496.

<sup>20</sup> *Ibid.*, 487.

<sup>21</sup> *Ibid.*, 372, 373.

<sup>22</sup> *Ibid.*, *U. S. Statutes at Large*, 2:448, 449.

<sup>23</sup> Logan Esarey, *A History of Indiana* (Indianapolis, Indiana, 1915), 1:342.

<sup>24</sup> *U. S. Statutes at Large*, 1:464-469.

<sup>25</sup> *Ibid.*, 3:566, 567.

year. By that act the present southern boundary of the county was adopted. From its extremities the eastern and western boundary lines extended due north, terminating at the Indian treaty line of 1809, the northern boundary of the county.<sup>26</sup> By act of December 31, 1821 the western boundary was made to terminate at the West Fork of White River and the eastern boundary was extended to the present northern boundary, which in turn extended due west to White River, forming a small portion of the boundary at the northwest corner of the county.<sup>27</sup> In a law of January 16, 1823, corrected by an act of December 23 of the same year, the eastern boundary of the three northern tiers of Congressional Townships of the county was located 5 miles farther east, that of the southern tier retaining the previous boundary.<sup>28</sup> By an act of February 10, 1831 the boundary at the northwest corner was given the present arrangement.<sup>29</sup> With the creation of Brown County by a law of February 4, 1836 the present boundaries of the county were adopted.<sup>30</sup>

The commission appointed under the act creating the county to locate its county seat reported on April 11, 1818 the selection of the section 33, range 1 west, township 9 north as "the most eligibliest and convenient place," and arranged for its purchase of D. Rogers for \$1,200. An additional 150 acres were purchased of Robert Graham for \$900.<sup>31</sup> By order of the board of commissioners the site thus selected was given the name of Bloomington.<sup>32</sup>

The first meeting of the board of commissioners was held at the home of Abner Blair on April 10, 1818. The members of the board were Bartlett Woodward, Michael Buskirk, and James Parks, who were elected sometime previously. William Lowe was appointed county clerk, *pro tempore*, and James Bigger, lister, as the official who made up the tax roll was called at that time. Roderick Rawlings was appointed treasurer and was required to give bond in the amount of \$2,000.<sup>33</sup>

---

<sup>26</sup> *Laws of the State of Indiana, 1817-18* (special), ch. 6 (series hereinafter cited as Acts).

<sup>27</sup> Acts 1821-22, ch. 41, secs. 2, 3.

<sup>28</sup> Acts 1827-28, ch. 9, sec. 2. Acts 1828-29, ch. 8.

<sup>29</sup> Rev. Stat. 1831, ch. 19, sec. 17.

<sup>30</sup> Acts 1835-36 (general), ch. 19, sec. 1. For maps illustrating the evolution of the boundaries of the county see George Pence and Nellie C. Armstrong, *Indiana Boundaries: Territory, State and County* (Indianapolis, Indiana, 1933), 601 *et seq.*

<sup>31</sup> Acts 1817-18 (special), ch. 6, sec. 2. Commissioners' Record, A:7, see entry 2.

<sup>32</sup> Commissioners' Record, A:2.

<sup>33</sup> *Ibid.*, 1.



Benjamin Parks was named county agent and Jonathan Nichols, surveyor.<sup>34</sup> Parks was instructed by the board to lay out the town of Bloomington. He was further instructed to advertise in the *Vincennes Western Sun*, *The Louisville Correspondent*, the *Argus of Western America*, the *Madison Eagle*, and the *Cincinnati Hall of Liberty* the sale of town lots to be held on June 22 of that year.<sup>35</sup> To stimulate bidding it was ordered, on motion of Bartlett Woodward, that the county agent procure a barrel of whiskey for free distribution at the sale.<sup>36</sup>

The first term of the circuit court was held on the 1st Monday in June 1818, at the home of Abner Blair, with Thomas H. Blake, presiding judge, and Joseph Berry and Lewis Noel, associate judges. The first act of the court was the issuance of a writ of *ad quod damnum* to ascertain what damage would be done to the land of James Speed by a dam which Robert Hamilton proposed to erect on Clear Creek. The jury held that the land of Speed would be damaged to the extent of \$158.<sup>37</sup>

The history of townships in Monroe County dates from the first session of the board of commissioners when Bloomington, Bean Blossom, Clear Creek, and Indian Creek townships were created.<sup>38</sup> In May 1825 Salt Creek Township was created.<sup>39</sup> Four years later, in July 1829, Washington and Richland were created and in May of the following year Perry was organized.<sup>40</sup> In May 1833 Benton was formed from the western part of Jackson, a township which in 1836 was transferred to Brown when that county was created.<sup>41</sup> Van Buren was created out of parts of Richland and Indian Creek townships, in March 1837.<sup>42</sup> In September 1845 Benton was divided and the part north of Bean Blossom Creek designated as Marion.<sup>43</sup> The present arrangement of townships was completed in September 1849, when Salt Creek Township was divided and the portion south of Salt Creek and Middle Fork given the name of Polk.<sup>44</sup>

---

<sup>34</sup> *Ibid.*, 2.

<sup>35</sup> *Ibid.*, 3.

<sup>36</sup> *Ibid.*, 4.

<sup>37</sup> Blanchard, *op. cit.*, 377.

<sup>38</sup> Commissioners' Record, A:2.

<sup>39</sup> *Ibid.*, B:19.

<sup>40</sup> *Ibid.*, 207, 246.

<sup>41</sup> *Ibid.*, C:111, 112.

<sup>42</sup> *Ibid.*, C:295.

<sup>43</sup> *Ibid.*, D:539.

<sup>44</sup> *Ibid.*, E:500.

## EARLY COUNTY FINANCE

The early government of Monroe County was simple and the burden of its support correspondingly light. The proceeds of the first sale of lots amounted to \$14,326.85.<sup>45</sup> In September 1824 the board ordered that all funds derived from this source be applied wholly to the erection of public buildings.<sup>46</sup> To meet other expenses the board resorted to the issuance of county orders, as certificates of indebtedness were called. As late as 1842 this financial device was still in use in the county as indicated by an order of the board of commissioners in June of that year that the orders in the hands of the auditor at that time be burned.<sup>47</sup>

Taxation was resorted to quite early. In June 1818 the following rates were assessed: "each 100 acres of first quality land, 50 cents; on each 100 acres of second quality land, 43 3/4 cents; on each 100 acres of third quality land, 25 cents; on each horse listed agreeable to the law 37 1/2 cents."<sup>48</sup>

Licenses were required to operate certain businesses. This not only was a source of revenue but enabled the business to be subjected to a certain amount of regulation. In May 1824 the board ordered that John Muir and Company be permitted to operate a grocery in Monroe County for the term of 1 year upon their paying a tax of \$20 into the county treasury.<sup>49</sup> In May of the following year Henry Batterson was granted a license for the same purpose for which privilege he paid \$10 into the county treasury.<sup>50</sup> In November 1824 William Nowland was required to pay a fee of \$2.50 and give bond in the value of \$250 for a license to keep a tavern in Bloomington for a period of 6 months.<sup>51</sup> By an order of the board of January 1840, a fee of \$50 was charged for a license to vend clocks in the county. A like amount was charged for the privilege of exhibiting each "travelling caravan, menagerie or other collection of animals or shows of any figures or circus or theatre."<sup>52</sup>

---

<sup>45</sup> *Ibid.*, A:19.

<sup>46</sup> *Ibid.*, B:2.

<sup>47</sup> *Ibid.*, D:26.

<sup>48</sup> *Ibid.*, A:9.

<sup>49</sup> *Ibid.*, 351.

<sup>50</sup> *Ibid.*, B:28.

<sup>51</sup> *Ibid.*, 12.

<sup>52</sup> *Ibid.*, D:54.

Leason Shirley, who in March 1842 was licensed to operate a ferry over the West Fork of White River, was required to furnish a good boat 55 feet long and 8½ feet wide and to employ two good men at all times to assist in the management of the boat. Ferry rates were prescribed by the board at this time as follows: "footman, 6¼ cents; man and horse, 12½ cents; man, carriage and horse, 18¾ cents; man, two horses and wagon, 25 cents; man four horses and wagon, 37½ cents; man, six horses and wagon, 50 cents; hogs and sheep per Head, 1 cent; cattle and loose horses per Head, 3 cents."<sup>53</sup>

#### TRANSPORTATION

Prior to the coming of the white men there were no roads in Monroe County other than trails and traces required for and made by the movement of Indians and animals. In the absence of roads, the streams were utilized in the early history of the county for transportation and travel. In January 1820 the Indiana General Assembly declared the West Fork of White River from its junction with the East Fork to the Delaware towns in Delaware County a public highway.<sup>54</sup> In January 1827 Salt Creek was declared a public highway from its mouth to the line dividing townships 8 and 9 in Monroe County.<sup>55</sup> Two years later a similar provision was adopted for Bean Blossom Creek from Griffith's Mill to its confluence with White River.<sup>56</sup>

On the banks of the streams thus kept free from mill-dams and other obstructions, flatboats were constructed and when the spring freshets came were launched, loaded with wheat, flour, pork, corn, and other products and floated to New Orleans and other southern markets. In the 1830's and 1840's Nathan Hill, Park and Egbert Wampler and Company, W. J. Sparks, and others sent great quantities of Monroe County products from Mount Tabor to the South in this way. Dr. W. S. Walker is said to have made 9 trips and Matthias Berry 13 trips of this kind.<sup>57</sup> Trade with the South was greatly facilitated with the appearance of steamboats on the Mississippi and its navigable tributaries, the first of which,

---

<sup>53</sup> *Ibid.*, 232.

<sup>54</sup> Acts 1819-20, ch. 32, sec. 1.

<sup>55</sup> Acts 1826-27, ch. 44.

<sup>56</sup> Acts 1828-29, ch. 25, sec. 48.

<sup>57</sup> Blanchard, *op. cit.*, 491, 492.

the *New Orleans*, appeared on the Ohio in 1811.<sup>58</sup> With the progress of railroad building the products of the upper Mississippi Valley were diverted more and more to Chicago and New York and other northern cities and river traffic correspondingly declined.

The first railroad constructed in Monroe County was the New Albany and Salem which reached Bloomington in the year 1853. Following its completion through the county, on July 4, 1854, excursion trains crowded with people came from both north and south into Bloomington, where a celebration featured by a barbecue was held. In 1854 the name of the road was changed to Louisville, New Albany and Chicago. Today it is the Chicago, Indianapolis and Louisville but is better known as the Monon. The only other railroad of the county, the Illinois Central, extending from Indianapolis to Effingham, Illinois, was completed in 1906, the first train running from Indianapolis to Bloomington on April 23 of that year.<sup>59</sup>

The act of Congress enabling the people of Indiana Territory to form a constitution and state government set aside 5 percent of the proceeds of the sale of public land within the state for the building of roads, bridges, and canals. Three percent was given to the state to be applied to the building of roads and canals within the state and 2 percent was reserved by the United States for the building of roads and canals leading to the state.<sup>60</sup> An act of the Indiana General Assembly of January 1, 1817 made "every male person, eighteen years of age and under fifty, having resided thirty days within any township in the state," liable to work and maintain public highways not to exceed 6 days in any one year.<sup>61</sup> Numerous entries in the Commissioners' Record indicate the helpfulness of these acts in construction of the roads and bridges of the county.

The first mention of a road in the Commissioners' Record is made under date of April 13, 1818, when William Hardin and others petitioned for a road to extend from Bloomington to Scotts' Ferry on Salt Creek and thence to the Lawrence County line. The petition was granted by the board and John Scott and William Craig were appointed viewers.<sup>62</sup> The viewers

---

<sup>58</sup> Rolla M. Hogue, "Life in Indiana, 1800-1820," *Indiana Magazine of History*, June 1913.

<sup>59</sup> *History of Lawrence and Monroe Counties, Indiana* (Indianapolis, Indiana, 1914), 446-53.

<sup>60</sup> *Annals of Congress*, 14th Congress, 1st Session, 1841.

<sup>61</sup> Acts 1816-17, ch. 8, sec. 10

<sup>62</sup> Commissioners' Record, A:3.



reported at the May session of the board of commissioners, who ordered that the road be opened by September 1 of that year, the road to be 30 feet wide.<sup>63</sup> In February 1819 Joseph Berry, Eli Lee, and John Ketchum were appointed to view a road to Robert Hamilton's Mill, on Clear Creek. At the same time a petition praying for a road from Bloomington to Ketchum's Mill, also on Clear Creek, was granted.<sup>64</sup> In November 1825 the board was petitioned for a road leading from Bloomington to the salt works in Salt Creek Township.<sup>65</sup> In October 1826 a state road was viewed from Brookville to Bloomington by way of Shelbyville, Franklin, and Columbus.<sup>66</sup> Other roads referred to in the Commissioners' Record are the Vincennes road, the Rockport road, and the road leading to Burton's Mill.<sup>67</sup>

These early roads were mere bridle paths or at most wagon roads from which the timber had been removed. Such roads were usually impassable in wet weather. To remedy this defect poles were placed crosswise on the road and the intervening space filled with dirt. Roads so constructed were known as corduroy roads and, as the name indicates, they were rough. Plank roads remedied this defect but they were too expensive save for the most traveled roads and it is doubtful if any were built in Monroe County. The abundance of limestone near the surface in the county affords a plentiful supply of good road material. In 1904 the county had 165 miles of road surfaced with this type of material.<sup>68</sup>

#### AGRICULTURE

At the time of the coming of the white people, Monroe County was magnificently wooded with white and yellow poplar, white, red, black, and chestnut oaks, white and black walnut, ash, cherry, chestnut, sugar, beech, hickory, elm, sycamore, black and sweet gum, sassafras, and dogwood.<sup>69</sup> These trees had to be removed before the wide variety of soils of varying degrees of fertility could be utilized for agricultural purposes.

---

<sup>63</sup> *Ibid.*, 5.

<sup>64</sup> *Ibid.*, 45.

<sup>65</sup> *Ibid.*, 303.

<sup>66</sup> *Ibid.*, B:75.

<sup>67</sup> *Ibid.*, A:299, 350.

<sup>68</sup> "Public Roads of Indiana: Mileage and Expenditure in 1904," U. S. Department of Agriculture, Office of Public Roads, Circular No. 66 (Washington, D. C., 1905), 3.

<sup>69</sup> Indiana Geological Report, 1879-1880, pp. 79, 80.



One of the most important of the soils of the county is Hagerstown loam, the principal soil in a belt of 2 to 4 miles wide extending north and south through the center of the county. Smaller areas of it occur in a narrow zone near the eastern border of the county. About 10 percent of the soil of the county is of this variety. Its principal crops are corn, wheat, oats, hay, clover, alfalfa, and garden vegetables.

Frederick silt loam covers about 15 percent of the county. It is confined to central and western belts of the county where it occurs on undulating and rolling plains. It is similar to Hagerstown silt loam and produces about the same crops.

Scattered throughout the county except along the eastern and western borders are areas of Bedford silt loam, the largest area being in the vicinity of Bloomington. Its surface is a light grayish-brown friable silt loam underlaid by a light brownish-yellow loam. About 14 percent of surface of the county has soil of this type. Corn, wheat, and hay are grown on it.

Tilsit silt loam and hilly and undulating areas occurs in the eastern and western parts of the county. Besides corn, wheat, and hay, it produces crops of apples, peaches, and pears.

The most extensive type of soil in the county is Muskingum stony silt soil which predominates in the eastern third of the county, constituting about one-fifth of its area. The better part of it produces small yields of corn, oats, peaches, and other crops.

Twenty-four other types, none of which are extensive, constitute the remaining soils of the county.<sup>70</sup>

With the organization of an agricultural society in May 1835, the first steps were taken to organize the agricultural life of the county. Of this society Michael Buskirk was chairman and Craven P. Hester, secretary. It is not known how long this society existed or the nature of the work it accomplished.

In 1850 a county fair association was organized but after holding one or two fairs it was abandoned. In 1855 it was revived under the name Monroe County Agricultural Society. Fairs inaugurated in that year were held annually until the outbreak of the Civil War. In 1868 they were revived.<sup>71</sup> These and later organizations did much to advance the agricultural interests of the county.

---

<sup>70</sup> Bushnell and Fowler, *op. cit.*, 1736, 1739.

<sup>71</sup> Blanchard *op. cit.*, 391-396.

## INDUSTRY

The early industries of Monroe County were of an elementary nature and designed to satisfy the more pressing needs of the people in the immediate locality. They were intimately related to the agricultural life of the community and often those who conducted them were engaged in agricultural pursuits.

At an early date, probably as early as 1819, Abner Evans built a sawmill on Jack's Defeat Creek. This was operated for a number of years and as late as 1884 traces of the old dam were still visible.<sup>72</sup> As early as 1820 John Burton erected a sawmill at Mount Tabor on Bean Blossom Creek. About 1828 or 1829 it was purchased by Samuel Hartsock who greatly enlarged it. In addition to a large local trade, it sent large quantities of lumber to the southern market.<sup>73</sup>

Edward Ellett began the operation of an up-and-down sawmill at Ellettsville soon after the first settlement in the county. Here also George Parks operated one of the first, if not the first, grist mills of the county.<sup>74</sup> Col. John Ketchum built and operated a grist mill on Clear Creek for many years. Another was operated by Robert Hamilton in what later became Van Buren Township.<sup>75</sup>

Noah Stine owned and operated a large cooperage shop in Mount Tabor where pork and flour barrels were made.<sup>76</sup>

About 1822 or 1823 Henry Wampler, Thomas Littrel, and others bored a salt well in what is now Salt Creek Township. From this well an excellent brine was obtained from which as high as 800 bushels of salt were produced annually. The salt works was conducted for a number of years, purchasers coming from miles around.<sup>77</sup>

In 1839 Ralph Ross established an iron works in Van Buren Township. Ore, 20 percent pure, was obtained from the side of a hill, smelted in a furnace, and cast into iron bars.<sup>78</sup> Sometime later, John Whisenand established in Ellettsville a carding mill operated with a treadmill.<sup>79</sup>

---

<sup>72</sup> *Ibid.*, 487.

<sup>73</sup> *Ibid.*, 490.

<sup>74</sup> *Ibid.*, 491.

<sup>75</sup> *Ibid.*, 509.

<sup>76</sup> *Ibid.*, 492.

<sup>77</sup> *Ibid.*, 536. Commissioners' Record, A:343.

<sup>78</sup> Blanchard, *op. cit.*, 515.

<sup>79</sup> *Ibid.*, 504.

In 1850 there were in the county "eleven grist mills, twelve saw mills, four oil mills, nine carding machines, one foundry, one spinning, weaving, and fulling machine, about twenty general stores and groceries, nine lawyers, three printing offices, ten physicians, and preachers too tedious to mention."<sup>80</sup> In 1879 Bloomington had two flouring mills, one steam furniture factory, one tannery, one spoke factory, and a factory producing jewelry and silverware.<sup>81</sup>

With the development of improved means of transportation, especially the railroad, the county became a participant in the specialization of industries which took place in the United States. The forests of Monroe County and neighboring places made the county seat especially adapted to the manufacture of furniture. Starting in a small shed in the eastern part of Bloomington in 1868 this industry had grown until in 1912 it was claimed that Bloomington had the largest single furniture factory in the world.<sup>82</sup>

The utilization of the limestone of the county for building purposes began soon after the creation of the county. From a quarry on the farm of Robert Hamilton of Clear Creek stone was obtained for the window and door sills of the courthouse began in 1819.<sup>83</sup> About 1827 Richard Gilbert quarried stone of the east bluff of Jack's Defeat Creek, about three-quarters of a mile south of Stinesville. From quarries in this neighborhood were obtained the stone for the piers and abutments of the bridge over White River at Gosport. With the completion of the Monon Railroad in 1854 a better market was created for stone and steps were taken to supply it. In 1853 and 1854 Edward M. Watts and William M. Biddle of Pennsylvania purchased land on Big Creek about a mile west of Stinesville, upon which quarries were opened.<sup>84</sup> In 1862 John Matthews opened a quarry 1 mile north of Ellettsville. Two years later he opened a mill there.<sup>85</sup> In 1880 he employed from 60 to 70 men.<sup>86</sup>

The pioneer company in the Sanders district, south of Bloomington, was the Oolitic Stone Company which opened a

---

<sup>80</sup> Indiana Geological Report, 1907, pp. 120-121.

<sup>81</sup> Indiana Geological Report, 1879-1880, p. 59.

<sup>82</sup> History of Lawrence and Monroe Counties, Indiana, 379-381.

<sup>83</sup> Commissioners' Record, A:56.

<sup>84</sup> Indiana Geological Report, 1907, p. 363.

<sup>85</sup> *Ibid.*, 373.

<sup>86</sup> *Ibid.*, 1879-1880, pp. 73, 74.

quarry there in 1888. By 1896 there were 11 quarries within 2 miles of Sanders.<sup>87</sup>

In 1890 the Central Oolitic Stone Company was organized and the next year a quarry was opened and a mill erected on their property in the northern part of Bloomington. About the same time the Morton C. Hunter Company was organized and a substantial mill erected. In 1896 there were seven active quarries and four mills in the Hunter Valley district.<sup>88</sup> By this time Bedford stone, as the limestone in the Bedford-Bloomington district was called, had been used in at least 25 states and 1 territory. The buildings constructed wholly or in part from it included 4 state capitol buildings, 26 Indiana county courthouses, custom houses, post offices, and hotels.<sup>89</sup> The maximum production of limestone for the Bedford-Bloomington district was reached in 1928 when 1,482,610 short tons valued at \$18,063,441 were produced.<sup>90</sup>

#### SOCIAL WELFARE

In accordance with an early act of the Indiana General Assembly the public charges of the various counties were maintained in private homes at public expense. Two overseers of the poor were provided for each township, whose duty it was to farm out to the lowest bidder those dependent on public charity.<sup>91</sup>

Numerous examples are found in the Commissioners' Record of the administration of the act in Monroe County. On September 30, 1823 the overseers of the poor for Clear Creek Township farmed out Robert Lake to Jacob Lake for 7 months for the sum of \$50.<sup>92</sup> In November 1825 the board ordered that Joel Lake be allowed \$16 "for supporting his father, who was farmed out by the Overseers of the Poor and that the County Treasurer pay him said sum &c."<sup>93</sup> In June 1842 Quinton N. Cain was allowed \$30.62½ "for keeping his mother a pauper" and \$5 extra for medicine and services rendered her during her sickness.<sup>94</sup>

---

<sup>87</sup> *Ibid.*, 1896, p. 370.

<sup>88</sup> *Ibid.*, 366, 367.

<sup>89</sup> *Ibid.*, 413.

<sup>90</sup> "Mineral Resources of the United States," *Bulletin*, U. S. Department of Commerce,

*Bureau of the mines*, 1929, (Washington, D. C., 1932), 2:255.

<sup>91</sup> Acts 1817-18 (general), ch. 14.

<sup>92</sup> Commissioners' Record, A:302.

<sup>93</sup> *Ibid.*, B:12.

<sup>94</sup> *Ibid.*, D:240.



Sometimes the relief assumed other forms. In January 1827 the board allowed Reuben Kindrick for his better maintenance \$20, "as a public gratuity authorized by dictates of humanity."<sup>95</sup> On account of disability which in the opinion of the board entitled him to consideration, Joseph Phillips was issued a license to retail spirituous liquors and groceries exempt from the payment of any tax therefor to the county.<sup>96</sup>

In November 1836 a petition praying that a poor farm be purchased was presented to the board. With this in view a committee consisting of John Hite, John Owens, and Jesse Devar was appointed to inspect various farms.<sup>97</sup> Nothing definite seems to have been accomplished at this time. In May 1838 another committee was appointed for the same purpose.<sup>98</sup> One year later it reported that it had made no progress.<sup>99</sup> Once again the matter was allowed to drop but in 1846 a committee consisting of Elias Abel and Henry Farmer examined eight farms and in a report to the board presented their relative merits.<sup>100</sup> A short time later the board purchased for \$900 a 120-acre farm located 5 miles from Bloomington on the Spencer-Bloomington road. John Acuff from whom the farm was purchased was engaged as the first superintendent of the "asylum" at a yearly salary of \$100.<sup>101</sup>

In 1862, to meet the increased needs of the county, a 168-acre farm located 6 miles south of Bloomington in Perry Township was purchased from Samuel A. Smith for \$6,000. This farm proved unsuited for the purpose for which it was obtained and in 1866 the board purchased of Peter Bollenbacker 6 seminary lots, each containing 10 acres, for \$3,000. On this farm, located 1½ miles west of Bloomington, a brick house was erected at a cost of \$5,800.<sup>102</sup> The present home was constructed in 1892 on a 160-acre farm located 4 miles from Bloomington in Van Buren Township. In 1913 there were about 36 inmates of the farm nearly equally divided between the 2 sexes.<sup>103</sup>

---

<sup>95</sup> *Ibid.*, B:129.

<sup>96</sup> *Ibid.*, 289.

<sup>97</sup> *Ibid.*, C:286.

<sup>98</sup> *Ibid.*, 391.

<sup>99</sup> *Ibid.*, D:7.

<sup>100</sup> D:577, 578.

<sup>101</sup> D:584, 585.

<sup>102</sup> Blanchard, *op. cit.*, 390, 391.

<sup>103</sup> *History of Lawrence and Monroe Counties, Indiana*, 243.



## EDUCATION

The first schools in Monroe County were subscription schools, so called because the costs were borne by the parents in proportion to the number of children enrolled. The school-houses were rude structures built of logs. They were heated with huge fireplaces and lighted through openings in the walls covered with greased paper or sheepskin. Desks and tables consisted of split logs into which holes were bored on the round side and wooden pegs inserted for legs. The curriculum consisted of reading, writing and arithmetic, the so-called three R's. Rules were specific and punishment for their infraction usually severe, the adage "no lickin', no larnin'," being interpreted literally and freely applied.

The first school in Bloomington and perhaps the first in the county was taught in the old log courthouse during the winter of 1818-19. The name of the teacher is not known but it is thought to have been Addison Smith. The next summer a log schoolhouse was built and in 1822 or 1823 a brick schoolhouse was constructed.<sup>104</sup>

The Indiana Constitution of 1816 provided that "the money which shall be paid, as an equivalent, by persons exempt from militia duty, except in time of war, shall be exclusively, in equal proportions, applied to the support of the county seminaries; also fines assessed for any breach of the penal laws shall be applied to said seminaries in the counties wherein they shall be assessed."<sup>105</sup> Since the state seminary was located in Bloomington and in consideration of the fact that women were excluded from it, the Indiana legislature was requested to authorize that the Monroe County institution be organized as a female seminary. An act for this purpose was approved on January 29, 1833.<sup>106</sup> The building was erected in Bloomington in 1835 and the school opened in that year with Cornelius Pering, who had established a female institute at Bloomington the previous year, as principal.

The seminary was organized with primary, junior, and senior departments. Its curriculum included reading, writing, spelling, arithmetic, geography, history, English, grammar,

---

<sup>104</sup> Blanchard, *op. cit.*, 470.

<sup>105</sup> "Constitution of the State of Indiana, 1816" (hereinafter cited as Const. 1816), art. 9, sec. 1, in the *Revised Statutes of the State of Indiana, 1843* (Indianapolis, Indiana, 1843), 38-64 (volume hereinafter cited as Rev. Stat. 1843).

<sup>106</sup> Acts 1832-33, ch. 32.

natural, mental, and moral philosophy, chemistry, astronomy, geometry, and rhetorical composition. For enrollment in each of its three departments fees of \$5, \$8, and \$10, respectively, were charged. By 1842, 765 students had enrolled in the institution and of this number 400 had graduated.<sup>107</sup> The building was sold in accordance with a law of 1852.<sup>108</sup>

About the middle of the 19th century a demand developed in Indiana for free schools. This demand was reflected in the Constitution of 1851, which made it mandatory that the legislature "provide by law, for a general and uniform system of Common schools, wherein tuition shall be without charge and equally open to all."<sup>109</sup> Legislation enacted under this provision created state-wide educational opportunity. By a law of 1897 its acceptance was made compulsory. In 1913 there were 110 public school buildings in the county. The total enrollment for that year was 5,664.<sup>110</sup>

The act of Congress enabling the people of Indiana Territory to form a constitution and state government, set aside two townships to be reserved for the use of a seminary of learning for the state.<sup>111</sup> One of these, the present Perry Township, was located in Monroe County. By an act of the Indiana General Assembly of January 20, 1820, the seminary was established.<sup>112</sup>

In 1822 the trustees of the institution let the contract for the construction of two buildings, the seminary building and a dwelling for the teacher.<sup>113</sup> In November of the following year Rev. Baynard R. Hall was elected principal at an annual salary of \$250. The school opened on May 1, 1824 with 10 boys enrolled, 1 of whom, Joseph A. Wright, later became Governor of Indiana.<sup>114</sup>

---

<sup>107</sup> Commissioners' Record, D:281, 282.

<sup>108</sup> *The Revised Statutes of the State of Indiana, 1852* (Indianapolis, Indiana, 1852), vol. 1, ch. 97 (series hereinafter cited as Rev. Stat. 1852). Blanchard, *op. cit.*, 401.

<sup>109</sup> "Constitution of the State of Indiana, 1851" hereinafter cited as Const. 1851), art. 8, sec. 1, in Harrison Burns, editor, *Annotated Indiana Statutes, Containing All Acts of a General and Public Nature in Force* September 1, 1933 (Indianapolis, Indiana, 1933—1:1-122), series hereinafter cited as Burns); also in William E. Baldwin, editor, *Baldwin's Indiana Statutes Annotated 1934* (Cleveland, Ohio, 1934—), 23-63 (series hereinafter cited as Baldwin).

<sup>110</sup> Acts 1897, ch. 165, sec. 1. *History of Lawrence and Monroe Counties, Indiana*, 268.

<sup>111</sup> *Annals of Congress*, 14th Congress, 1st Session, 1841.

<sup>112</sup> Acts 1819-20, ch. 48.

<sup>113</sup> Blanchard, *op. cit.*, 477.

<sup>114</sup> David Demarre Banty, "History of Indiana University," *Indiana Memorial Volume* (Bloomington, Indiana, 1921), 20-24.

By a legislative act of January 24, 1828 the school was given the status of a college. As president of the college the board chose Dr. Andrew Wylie, who remained in this position until his death in 1851.<sup>116</sup> In a law of February 15, 1838 the institution was designated a university.<sup>117</sup> At that time the faculty consisted of three members including the president. In 1840 there were 64 students enrolled.<sup>118</sup> By 1861 the enrollment had increased to 112 but fell to 67 in 1863. In 1869 there were 182 students, some of whom were women, the university having been made a coeducational school in 1868.<sup>119</sup>

Following a fire in the summer of 1883 which consumed Science Hall and its contents, consisting of the library of 13,000 volumes, the physical and chemical apparatus, the museum and private collection of David Starr Jordan, the university was moved to its present site.<sup>120</sup> By 1885 Owen Hall, Wylie Hall, and a frame structure later known as Mitchell Hall were ready for use. In 1890 Maxwell Hall was constructed for a library and administration building.<sup>121</sup> By the close of the 19th century the school had 6 buildings, 71 faculty members, and 976 students, of whom 70 were graduate students.<sup>122</sup>

#### EARLY JOURNALISM

The *Indiana Gazette* was the first newspaper published in Monroe County. It was established in Monroe County by Jesse Brandon, a former state printer, who came to Bloomington from Corydon with the removal of the state capital to Indianapolis, (1824). It was discontinued in 1826. The next paper was the *Bloomington Republican* (1827). In 1832 Brandon, in partnership with Marcus L. Deal, established a Whig paper known as *Far West*. In June 1835 Deal established the *Post*, another Whig paper. Its publication was continued for about 8 or 10 years.

---

<sup>115</sup> Acts 1827-28, ch. 82.

<sup>116</sup> Samuel Bannister Harding, editor, *Indiana University, 1820-1904*, pp. 7-10.

<sup>117</sup> Acts 1837-38 (local), ch. 102.

<sup>118</sup> Harding, *op. cit.*, 9.

<sup>119</sup> *Ibid.*, 16, 17.

<sup>120</sup> *Ibid.*, 20.

<sup>121</sup> *Ibid.*, 23.

<sup>122</sup> *Indiana University Catalogue* (Bloomington, Indiana, 1900), 10-19, 37-40, 175-201.

In 1838 Brandon made another essay in journalism in the county when he established the *Ben Franklin*, which supported the candidacy of William Henry Harrison for president. Late in the 1840's C. Davidson founded the *Herald*, another Whig paper. About the same time the *Independent Tribune* and *Monroe County Farmer* was established by James M. Mathes, who also published a monthly periodical called the *Christian Record*. The *Northwestern Advocate*, referred to as "the brightest paper of the time," was started by James Hughes in 1852.

In 1853 Eli P. Farmer and Jesse Brandon began the publication of the *Religious Times*, afterward called the *Western Times*. Later it was bought by J. F. Walker and L. M. Demotte and issued as the *Bloomington Times*. It was the first organ of the Republican Party in the county. In the same year A. B. Carlton founded the *News Letter*, a Democratic paper. All of these were Bloomington papers. Not until 1872 or 1873, when the *Ellettsville Republican* was founded, was there a newspaper published elsewhere in the county.<sup>123</sup>

#### MONROE COUNTY TODAY

In 1930 Monroe County had a population of 35,974. Of this number 18,153 were males and 17,818 were females. Of the 35,407 white people of the county 35,119 were native white and 288 were foreign-born. Of the native whites 34,147 were of native parentage and 972 were of foreign-born or mixed parentage. There were 541 negroes. The rural population numbered 17,747 and the urban population 18,227.<sup>124</sup>

On January 1, 1935 there were 2,444 farms in the county, with an average size of 85.1 acres. Of these 1,636 were farmed by full owners, 255 by part owners, 7 by managers and 496 by tenants. The total value of the farm land including buildings was \$6,225,467 the average value per farm \$2,547, and the average value per acre, \$29.93.<sup>125</sup> For the 10-year period from 1927 to 1936 inclusive the county's average yield of corn and wheat per acre was 28.1 and 12.6 bushels respectively, as compared with state averages for these crops of 32.2 and 14.6 bushels respectively.<sup>126</sup>

<sup>123</sup> Blanchard, *op. cit.*, 401-404.

<sup>124</sup> *Fifteenth Census of the United States: 1930, Population* (Washington, D. C., 1931), 3: pt. 1:706.

<sup>125</sup> *United States Census of Agriculture: 1935* (Washington, D. C., 1937), 1:126.

<sup>126</sup> "Indiana Crop and Live Stock," *Bulletin No. 159* (West Lafayette, Indiana, published by the U. S. Department of Agriculture co-operating with Purdue University Agricultural Experiment Station), 9.



For the year 1929 the 46 manufacturing establishments of the county employed 3,229 people, paid \$4,272,988 in wages, and manufactured products valued at \$17,324,781.<sup>127</sup> Included in the list of products manufactured are furniture, baskets, floor wax, dairy products, ice cream, mirrors and structural glass, gloves, beverages, building supplies, meats, blankets, and foundry products.<sup>128</sup>

The total sales of the 386 retail establishments of the county in 1929 amounted to \$13,511,000. Ninety percent of this amount was accounted for by the 350 independent stores, 7 percent by the 19 chain stores and 3 percent by the 17 stores of other varieties.<sup>129</sup> The 22 wholesale establishments had net sales to the value of \$2,600,504.<sup>130</sup>

The county highway system in 1936 consisted of 744 miles of roads, 400 of which were dirt and 344 miles of gravel or stone. In addition there are 4 state highways, all passing through Bloomington.<sup>131</sup>

In the year 1938-39, there were 36 one-room schools in the county, 6 two-room schools, 2 three-room schools, 5 four-room schools, 1 consolidated township grade school, and 4 township high schools. The Bloomington schools consisted of 1 junior and senior high school and 7 grade schools, 1 of which was a special school for sub-normal children, 1 a two-room colored school and 1 operated in connection with the university. In addition there was a four-room parochial school. The total enrollment for the county was 8,067.<sup>132</sup> During the year 1937-38 there were 6,300 students enrolled in Indiana University.<sup>133</sup>

Bloomington's recreational facilities consist of three parks provided with the usual park equipment, a municipal golf course, and several baseball and softball diamonds scattered throughout the city and its environs. The Bloomington Country Club, located about 2 miles south of Bloomington, has a nine-hole golf course, a club house, and a swimming pool for the use of its members. Indiana University students

---

<sup>127</sup> *Fifteenth Census of the United States: 1930 Manufactures*, 3:162.

<sup>128</sup> Indiana State Planning Board, *Preliminary Survey of County Planning Problems in Indiana Counties* (Indianapolis, Indiana, typewritten, 1935-36; in the Indiana State Library), Monroe County section.

<sup>129</sup> *Fifteenth Census of the United States: 1930 Retail Distribution*, 1:pt. 2:710.

<sup>130</sup> *Ibid.*, *Wholesale Distribution*, 2:20.

<sup>131</sup> Indiana State Planning Board, *op. cit.*

<sup>132</sup> *Indiana School Directory, 1938-1939* (Indianapolis, Indiana, 1938), 231-233.

<sup>133</sup> *Indiana University Bulletin, 1938-1939* (Bloomington, Indiana, 1938), 507.



are amply accommodated with recreational facilities on the university campus. Unionville, Smithville, and Ellettsville have gymnasiums that are used as community buildings.

In 1929 the State of Indiana began the purchase of land in the southern part of Morgan County and the northeastern part of Monroe County which it subsequently incorporated into the Morgan-Monroe State Forest. On June 30, 1939 the park included an area of 13,648.41 acres which had been obtained at a total cost to the state of \$192,748.02, the average price per acre being \$14.12.<sup>134</sup> The forests include jack pines, spruce and orange tulips. The wild life which abounds in the forest is rigidly protected by law. Portions of Monroe County are also included in the Hoosier National Forest, an irregular strip of land extending from north of Bloomington to Perry County on the Ohio River.

The withdrawal of these so-called marginal lands from the jurisdiction of local taxing units has had a considerable impact. In Marion Township most of the land still privately owned comes under the provisions of the forestry law, with taxes payable at the annual rate of \$1 per acre.<sup>135</sup> The township has only one school, the Honeycreek School.<sup>136</sup>

The only hospital in the county is located at Bloomington. It is equipped with about 50 beds. A nursing school is operated in connection with the hospital. A fresh-air school is maintained in Bloomington.<sup>137</sup>

As a result of the nation-wide depression, the system of relieving distress through the county poor farm and by direct relief from the township trustees was unable to care for all the needy, and in 1933 the federal, state, and county governments began to supplement those facilities with programs of work relief and social welfare payments.<sup>138</sup>

The most vital force affecting Monroe County, outside of the depression affecting the entire country, is the decline of the local stone industry, upon which the community was largely built and upon which its prosperity mostly depended. In 1926 Indiana furnished 76.4 percent of the limestone used for building purposes in the United States. In 1935 this had declined to 40.7 percent.<sup>139</sup>

---

<sup>134</sup> *Year Book of the State of Indiana for the Year 1939* (1940), 871, 874.

<sup>135</sup> Acts 1921; Burns 32-303; Baldwin 15517-3.

<sup>136</sup> Interview of May 31, 1940 with William C. East, Monroe County Auditor.

<sup>137</sup> Indiana State Planning Board. *op. cit.*

<sup>138</sup> See the essay entitled "County Department of Public Welfare."

<sup>139</sup> Indiana University, Bureau of Business Research, *Economic Conditions in the Bedford-*

## 2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

## LEGAL STATUS OF THE COUNTY

The county in Indiana is an involuntary corporation, sometimes called a quasi-corporation, organized as a political subdivision of the state, solely for governmental purposes. It is a "municipal corporation" and a "municipality" within the meaning of several statutes using those terms. It is an instrumentality of government, exercising the powers delegated by the state and acting for the state. County officers are agents of the state. The authority of the county and its officers and agents is limited to that expressly or impliedly conferred on them by the Indiana General Assembly. Except as limited by the state constitution, the general assembly has full power to create, modify, and abolish counties, and to prescribe their powers, governmental organization, and liabilities.<sup>1</sup>

Before the adoption of the Constitution of 1851, the legislature had full power to enact local laws concerning county matters, and many such laws were enacted; but since 1851 there have been constitutional provisions prohibiting the enactment of local laws concerning several specified subjects affecting county organization and functions.<sup>2</sup> The general assembly often passes laws applicable to counties and cities having a specified population and to counties containing cities of a

---

<sup>1</sup> Gavin v. Board of County Comrs. (1885), *Reports of Cases Argued and Determined in the Supreme Court of Judicature of the State of Indiana* (Indianapolis, 1852—), 104:201 series hereafter cited as Ind.), *Northeastern Reporter: Cases Argued and Determined in the Courts of Indiana, Illinois, Ohio, New York, Massachusetts* (St. Paul, Minn., 1885—), 3:846 (series hereafter cited as N. E.); *State ex rel. Workman v. Goldthait* (1909), 172 Ind. 210, 87 N. E. 133; *Applegate v. Pettijohn* (1933), 205 Ind. 122, 125, 185 N. E. 911; *McDermott v. Board of County Comrs.* (1915), *Reports of Cases Argued and Determined in the Appellate Court of the State of Indiana* (Indianapolis, 1891—), 60:209 (series hereafter cited as Ind. App.), 110 N. E. 237; *Buck v. Indiana Constr. Co.* (1923), 79 Ind. App. 329, 138 N. E. 356.

"Municipal corporation." Acts 1933, ch. 237, sec. 2 (repealed by Acts 1937, ch. 119, sec. 11). Acts 1929; Burns 60-1102; Baldwin 11392-2. Acts 1933; Burns 61-906; Baldwin 13853-6. Acts 1937; Burns, 1939 suppl., 61-526, 61-622(d), 64-308; Baldwin, 1937 suppl., 12849-2, 13844-43(d), 15897-2.

"Municipality." Acts 1909; Burns 60-219; Baldwin 13870. Acts 1917; Burns 60-229; Baldwin 13880. Acts 1923; Burns 60-236; Baldwin 14091. Acts 1937; Burns, 1939 suppl., 61-509(a); Baldwin, 1937 suppl., 12489-4(a).

"Offices created by the legislature can be abolished by the legislature. The power that creates can destroy. The creator is greater than the creature. The term of an office may be shortened, the duties of the office increased, and the compensation lessened, by the legislative will." *Rogers v. Calumet National Bank* (1938), 213 Ind. 576, 585, 12 N. E. (2d) 261.

<sup>2</sup> Const. 1851, art. 4, secs. 22, 23.

specified population. Such laws are sometimes upheld<sup>3</sup> and sometimes held void as being in conflict with these constitutional provisions.<sup>4</sup> Several laws authorize the appointment of county officials but do not require such appointment.

There are 92 counties in Indiana. Knox County, the oldest, was created by proclamation of the Governor of the Northwest Territory on June 20, 1790.<sup>5</sup> The counties of Clark<sup>6</sup> and Dearborn<sup>7</sup> were created on February 3, 1801 and March 7, 1803, respectively, by proclamation of the Governor of Indiana Territory. The counties of Franklin,<sup>8</sup> Gibson,<sup>9</sup> Harrison,<sup>10</sup> Jackson,<sup>11</sup> Jefferson,<sup>12</sup> Orange,<sup>13</sup> Perry,<sup>14</sup> Posey,<sup>15</sup> Switzerland,<sup>16</sup> Warrick,<sup>17</sup> Washington,<sup>18</sup> and Wayne<sup>19</sup> were created by special acts of the General Assembly of Indiana Territory. These 15 counties are all mentioned in the Constitution of 1816.<sup>20</sup> The remaining 77 counties were created by special acts of the General Assembly of the State of Indiana.

<sup>3</sup> State *ex rel.* Hargrave v. Reitz (1878), 62 Ind. 159; Campbell v. Indianapolis (1900) 155 Ind. 186, 57 N. E. 920; Bullock v. Robison (1911), 176 Ind. 198, 93 N. E. 938; Wayne Twp. v. Brown (1933), 205 Ind. 437, 186 N. E. 841; Meara v. Brindley (1935), 207 Ind. 657, 194 N. E. 351; Groves v. Board of County Comrs. (1936), 209 Ind. 371, 199 N. E. 137; Crowe v. Board of County Comrs. (1936), 210 Ind. 404, 3 N. E. (2d) 76; Board of County Comrs. v. Crowe (1938), 214 Ind. 446, 14 N. E. (2d) 907.

<sup>4</sup> Campbell v. Indianapolis (1900), 155 Ind. 186, 57 N. E. 920; Rushville v. Hayes (1904), 162 Ind. 193, 70 N. E. 134; Bumb v. Evansville (1907), 168 Ind. 272, 80 N. E. 625; Kraus v. Lehman (1908), 170 Ind. 403, 83 N. E. 714; Bullock v. Robison (1911), 176 Ind. 198, 93 N. E. 938; Boberg v. Harlem (1924), 194 Ind. 310, 142 N. E. 705; Heffelfinger v. Ft. Wayne (1925), 196 Ind. 689, 149 N. E. 555; Heckler v. Conter (1933), 206 Ind. 376, 187 N. E. 878; Crowe v. Board of County Comrs. (1936), 210 Ind. 404, 3 N. E. (2d) 76.

<sup>5</sup> William Henry Smith, editor, *The St. Clair Papers* (Cincinnati, 1882), 2:166 note. George Pence and Nellie C. Armstrong, *Indiana Boundaries: Territory, State and County* (1933), 21, 514.

<sup>6</sup> Pence and Armstrong, *op. cit.*, 256.

<sup>7</sup> *Ibid.*, 310.

<sup>8</sup> Acts 1810, ch. 6.

<sup>9</sup> Acts 1813, ch. 23.

<sup>10</sup> Acts 1808, ch. 1.

<sup>11</sup> Acts 1815, ch. 1.

<sup>12</sup> Acts 1810, ch. 2.

<sup>13</sup> Acts 1815, ch. 12.

<sup>14</sup> Acts 1814, ch. 7.

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*, ch. 9.

<sup>17</sup> Acts 1813, ch. 23.

<sup>18</sup> Acts 1812-14, ch. 10.

<sup>19</sup> Acts 1810, ch. 1.

<sup>20</sup> Const. 1816, art. 12, sec. 9.

The Constitution of 1816 provided: "The General Assembly, when they lay off any new county, shall not reduce the old county, or counties, from which the same shall be taken to a less content than four hundred square miles."<sup>21</sup> The Constitution of 1816 further provided that the legislature, at the time they create a new county, should provide certain funds for a public library.<sup>22</sup> The Constitution of 1851 provides: "No county shall be reduced to an area less than four hundred square miles; nor shall any county, under that area, be further reduced."<sup>23</sup> The Constitution of 1851 further provides: "The Senate shall not exceed fifty, nor the House of Representatives one hundred members; and they shall be chosen by the electors of the respective counties or districts, into which the State may, from time to time, be divided."<sup>24</sup> The Constitution of 1851 provides that a new county may be created out of the counties of Perry and Spencer if approved by election of the voters in those counties in such manner as may be prescribed by law;<sup>25</sup> but no such new county has been created. These are all of the constitutional provisions concerning the creation of counties in Indiana.

The legislature passed a general law in 1861 providing for the creation of new counties by election in the affected old counties after petition has been presented to the boards of commissioners in the several counties which would be affected by the proposal.<sup>26</sup> No new counties have been created since the enactment of this law.

#### STRUCTURAL DEVELOPMENT OF COUNTY GOVERNMENT

From the organization of Monroe County in 1818,<sup>27</sup> the following officers, boards, and courts (arranged alphabetically in three groups) have existed or been legally available in the county:

##### OFFICERS

Appraiser (1841 to 1872)<sup>28</sup>

---

<sup>21</sup> *Ibid.*, art. 11, sec. 12.

<sup>22</sup> *Ibid.*, art. 9, sec. 5.

<sup>23</sup> Const. 1851, art. 15, sec. 7.

<sup>24</sup> *Ibid.*, art. 4, sec. 2.

<sup>25</sup> *Ibid.*, schedule, par. 15.

<sup>26</sup> Acts 1861; Burns 26-301 to 26-310; Baldwin 5044 to 5053.

<sup>27</sup> Acts 1817-18 (special), ch. 6, sec. 1.

<sup>28</sup> See the essay entitled "County Assessor."



Appraiser of state lands (permissive since 1839)<sup>29</sup>  
 Auditor (1841 to date)<sup>30</sup>  
 Bailiff (permissive since 1852)<sup>31</sup>  
 Clerk of the circuit court (1818 to date)<sup>32</sup>  
 Coroner (1818 to date)<sup>33</sup>  
 County agent (1818 to 1852)<sup>34</sup>  
 County agricultural agent (permissive 1913 to 1937,  
 mandatory since 1937)<sup>35</sup>  
 County assessor (1818 to 1852, 1872 to 1875, 1891 to date)<sup>36</sup>  
 County attendance officer (permissive since 1913)<sup>37</sup>  
 County attorney (permissive since 1899)<sup>38</sup>  
 County director of public welfare (1936 to date)<sup>39</sup>  
 County engineer (permissive since 1852)<sup>40</sup>  
 County health commissioner (1909 to 1938)<sup>41</sup>  
 County health officer (1881 to 1909, 1938 to date)<sup>42</sup>  
 County highway superintendent (1913 to 1933)<sup>43</sup>  
 County highway supervisor (1933 to date)<sup>44</sup>  
 County inspector of weights and measures (permissive  
 since 1911)<sup>45</sup>  
 County physician (permissive since 1852)<sup>46</sup>  
 County school commissioner (1829 to 1849)<sup>47</sup>  
 County school examiner (1838 to 1873)<sup>48</sup>

---

<sup>29</sup> See the essay entitled "Board of Commissioners."

<sup>30</sup> See the essay entitled "Auditor."

<sup>31</sup> See the essay entitled "Circuit Court."

<sup>32</sup> See the essay entitled "Clerk of the Circuit Court."

<sup>33</sup> See the essay entitled "Coroner."

<sup>34</sup> See the essay entitled "Auditor."

<sup>35</sup> See the essay entitled "County Agricultural Agent."

<sup>36</sup> See the essay entitled "County Assessor."

<sup>37</sup> See the essays entitled "County Board of Education" and "County Superintendent of Schools."

<sup>38</sup> See the essay entitled "Board of Commissioners."

<sup>39</sup> See the essay entitled "County Department of Public Welfare."

<sup>40</sup> See the essays entitled "Board of Commissioners" and "Surveyor."

<sup>41</sup> See the essay entitled "County Health Officer."

<sup>42</sup> *Ibid.*

<sup>43</sup> See the essay entitled "County Highway Supervisor."

<sup>44</sup> *Ibid.*

<sup>45</sup> Acts 1911, ch. 263. Acts 1913, ch. 161. Acts 1925; Burns 69-104, 69-106 to 69-109; Baldwin 16335, 16337 to 16340.

<sup>46</sup> See the essay entitled "Board of Commissioners."

<sup>47</sup> See the essay entitled "County School Fund Board."

<sup>48</sup> See the essay entitled "County Superintendent of Schools."



County superintendent (1873 to 1927)<sup>49</sup>  
 County superintendent of schools (1927 to date)<sup>50</sup>  
 County veterinarian (permissive since 1915)<sup>51</sup>  
 Court page (permissive since 1818)<sup>52</sup>  
 Court reporter (permissive since 1831)<sup>53</sup>  
 District attorney (1853 to 1873)<sup>54</sup>  
 District road supervisors (1818 to 1879)<sup>55</sup>  
 Election inspectors (1818 to date)<sup>56</sup>  
 Election judges (1818 to date)<sup>57</sup>  
 Election sheriffs (1929 to date)<sup>58</sup>  
 Home demonstration agent (permissive since 1914)<sup>59</sup>  
 Inspector of beef, flour, pork, salt, and hay (permissive since 1818)<sup>60</sup>  
 Jury commissioners (1881 to date)<sup>61</sup>  
 Lister (1818 to 1841)<sup>62</sup>  
 Poll clerks (1852 to date)<sup>63</sup>  
 Probation officer, (permissive since 1903)<sup>64</sup>  
 Prosecuting attorney (1818 to date)<sup>65</sup>  
 Public health nurse (permissive since 1935)<sup>66</sup>  
 Recorder (1818 to date)<sup>67</sup>  
 Registration clerks (1911 to 1917)<sup>68</sup>  
 Registration inspector (1911 to 1917)<sup>69</sup>  
 Registration officer (1889 to 1892, 1933 to date)<sup>70</sup>

---

<sup>49</sup> *Ibid.*

<sup>50</sup> *Ibid.*

<sup>51</sup> See the essay entitled "Board of Commissioners."

<sup>52</sup> See the essay entitled "Circuit Court."

<sup>53</sup> *Ibid.*

<sup>54</sup> See the essay entitled "Prosecuting Attorney."

<sup>55</sup> See the essay entitled "County Highway Supervisor."

<sup>56</sup> See the essay entitled "County Board of Election Commissioners."

<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid.*

<sup>59</sup> See the essay entitled "County Agricultural Agent."

<sup>60</sup> See the essay entitled "County Health Officer."

<sup>61</sup> See the essay entitled "Circuit Court."

<sup>62</sup> See the essay entitled "County Assessor."

<sup>63</sup> See the essay entitled "County Board of Election Commissioners."

<sup>64</sup> See the essay entitled "Circuit Court."

<sup>65</sup> See the essay entitled "Prosecuting Attorney."

<sup>66</sup> See the essay entitled "Public Health Nurse."

<sup>67</sup> See the essay entitled "Recorder."

<sup>68</sup> See the essay entitled "Registration Officer."

<sup>69</sup> *Ibid.*

<sup>70</sup> *Ibid.*

Sheriff (1818 to date)<sup>71</sup>  
 Surveyor (1818 to date)<sup>72</sup>  
 Tax collector (1824 to 1841)<sup>73</sup>  
 Tax ferrets (permissive since 1905)<sup>74</sup>  
 Tobacco inspector (permissive since 1818)<sup>75</sup>  
 Treasurer (1818 to date)<sup>76</sup>  
 Trusnt officer (permissive 1897 to 1913)<sup>77</sup>  
 Trustee of public seminary (1818 to 1853)<sup>78</sup>  
 Trustees of school sections (1818 to 1829)<sup>79</sup>

## BOARDS

Board of children's guardians (1901 to 1936)<sup>80</sup>  
 Board of commissioners (1818 to 1824, 1831 to date)<sup>81</sup>  
 Board of county charities and corrections (1899 to 1936)<sup>82</sup>  
 Board of equalization (1824 to 1890)<sup>83</sup>  
 Board of finance (1907 to date)<sup>84</sup>  
 Board of justices (1824 to 1831)<sup>85</sup>  
 Board of library trustees (permissive since 1852)<sup>86</sup>  
 Board of primary election commissioners (1907 to date)<sup>87</sup>  
 Board of registration commissioners (1917 to 1919)<sup>88</sup>  
 Board of turnpike directors (1879 to 1913)<sup>89</sup>  
 Commission of public records (1939 to date)<sup>90</sup>

---

<sup>71</sup> See the essay entitled "Sheriff."

<sup>72</sup> See the essay entitled "Surveyor."

<sup>73</sup> See the essay entitled "Treasurer."

<sup>74</sup> See the essay entitled "Board of Commissioners."

<sup>75</sup> See the essay entitled "County Health Officer."

<sup>76</sup> See the essay entitled "Treasurer."

<sup>77</sup> See the essay entitled "County Board of Education."

<sup>78</sup> See the essay entitled "County School Fund Board."

<sup>79</sup> *Ibid.*

<sup>80</sup> See the essay entitled "County Department of Public Welfare."

<sup>81</sup> See the essay entitled "Board of Commissioners."

<sup>82</sup> See the essay entitled "County Department of Public Welfare."

<sup>83</sup> See the essay entitled "County Board of Review."

<sup>84</sup> See the essay entitled "Board of Finance."

<sup>85</sup> See the essay entitled "Board of Commissioners."

<sup>86</sup> *The Revised Statutes of the State of Indiana, 1852* (Indianapolis, 1852), vol. 1 (series hereafter cited as *Rev. Stat. 1852*); Burns 41-503; Baldwin 10321 note. Acts 1861; Burns 41-507; Baldwin 10321 note. *Traylor v. Dykins* (1883), 91 Ind. 229.

<sup>87</sup> See the essay entitled "Board of Primary Election Commissioners."

<sup>88</sup> See the essay entitled "Registration Officer."

<sup>89</sup> See the essays entitled "Board of Commissioners" and "County Highway Supervisor."

<sup>90</sup> See the essay entitled "Commission of Public Records."

County board of canvassers (1843 to date)<sup>91</sup>  
 County board of education (1873 to date)<sup>92</sup>  
 County board of election commissioners (1889 to date)<sup>93</sup>  
 County board of health (1881 to 1909)<sup>94</sup>  
 County board of public welfare (1936 to date)<sup>95</sup>  
 County board of review (1891 to date)<sup>96</sup>  
 County board of tax adjustment (1932 to date)<sup>97</sup>  
 County council (1899 to date)<sup>98</sup>  
 County hospital governing board (permissive since 1903)<sup>99</sup>  
 County department of public welfare (1936 to date)<sup>100</sup>  
 County planning commission (permissive since 1935)<sup>101</sup>  
 County public library board (permissive since 1917)<sup>102</sup>  
 County school fund board (1935 to date)<sup>103</sup>  
 Precinct board of election (1852 to date)<sup>104</sup>  
 Precinct registration board (1911 to 1917, 1919 to 1927)<sup>105</sup>  
 Township board of registry (1867 to 1869)<sup>106</sup>

## COURTS

Circuit court (1818 to date)<sup>107</sup>  
 Court of common pleas (1853 to 1873)<sup>108</sup>  
 Court of conciliation (1853 to 1865)<sup>109</sup>  
 Magistrates court (permissive since 1939)<sup>110</sup>  
 Probate court (1829 to 1853)<sup>111</sup>

---

<sup>91</sup> See the essay entitled "County Board of Canvassers."

<sup>92</sup> See the essay entitled "County Board of Education."

<sup>93</sup> See the essay entitled "County Board of Election Commissioners."

<sup>94</sup> See the essay entitled "County Health Officer."

<sup>95</sup> See the essay entitled "County Department of Public Welfare."

<sup>96</sup> See the essay entitled "County Board of Review."

<sup>97</sup> See the essay entitled "County Board of Tax Adjustment."

<sup>98</sup> See the essay entitled "County Council."

<sup>99</sup> Acts 1903, 1939; Burns, 1939 suppl., 22-3202; Baldwin, 1939 suppl., 4509.

<sup>100</sup> See the essay entitled "County Department of Public Welfare."

<sup>101</sup> Acts 1935; Burns, 1939 suppl., 26-2301; Baldwin, 1935 suppl., 5205-1.

<sup>102</sup> Acts 1917, 1921, 1927, 1939; Burns, 1939 suppl., 41-510; Baldwin, 1939 suppl., 10321.

<sup>103</sup> See the essay entitled "County School Fund Board."

<sup>104</sup> See the essay entitled "County Board of Election Commissioners."

<sup>105</sup> See the essay entitled "Registration Officer."

<sup>106</sup> *Ibid.*

<sup>107</sup> See the essay entitled "Circuit Court."

<sup>108</sup> *Ibid.*

<sup>109</sup> *Ibid.*

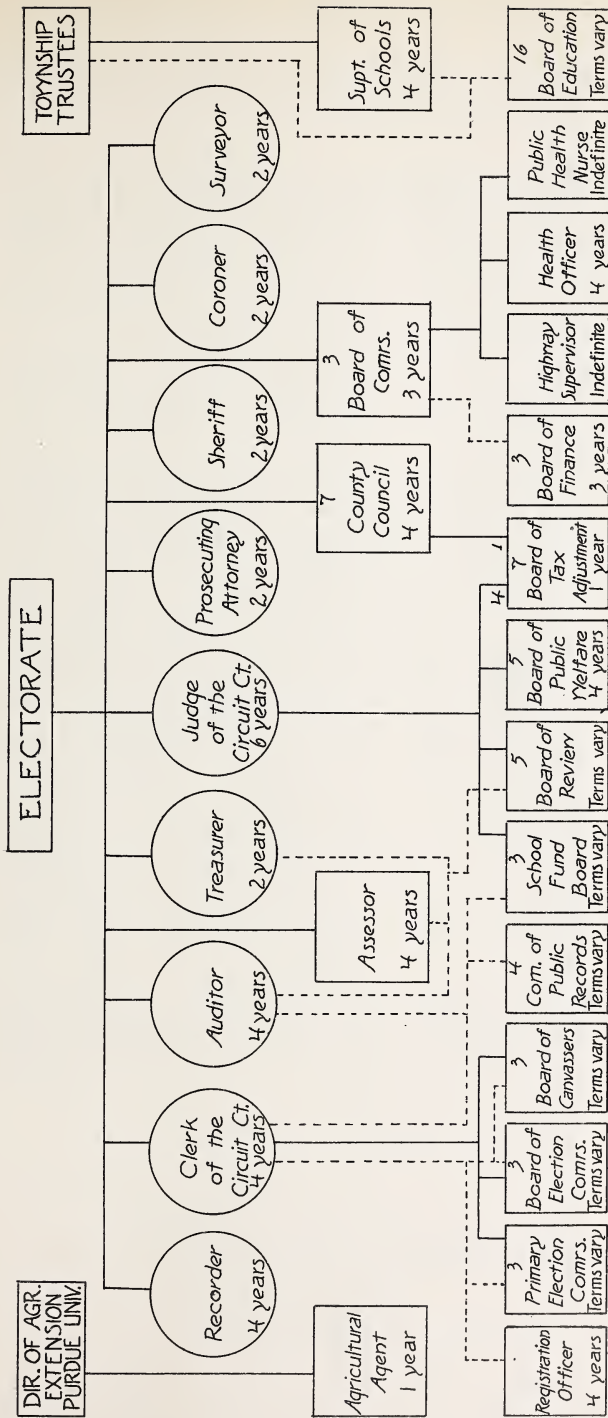
<sup>110</sup> Acts 1939, ch. 164. No magistrates have been appointed in Monroe County under authority of this act.

<sup>111</sup> See the essay entitled "Circuit Court."

In the early days few public officials were needed. A court was needed to try civil and criminal cases and to administer estates of decedents. The sheriff preserved order generally, took part in conducting elections, collected taxes until 1824, and executed the process of the court. The clerk of the circuit court acted as ministerial officer of the court, as clerk of the county board, took part in elections, county finance, and taxation, and was in general a "county clerk"—a name by which he is often called now. The duties of the coroner, prosecuting attorney, recorder, surveyor, and treasurer were similar to their present duties except that taxes were collected by a county tax collector (instead of the treasurer) from 1824 until 1841. County business was transacted by the board of commissioners (composed of three county commissioners) from 1818 to 1824, 1831 to 1834, and 1838 to 1899, and by the board of justices (composed of all the justices of the peace in the county) from 1824 to 1831, and by the board of commissioners (composed of all the justices of the peace in the county) from 1834 to 1838, and by the board of commissioners (composed of three county commissioners) and the county council (composed of seven councilmen) since 1899. The board doing county business had charge of the acquisition, use, and disposition of county property, constructed public buildings, levied taxes, issued licenses, established and constructed roads and bridges, allowed claims against the county, employed several minor public officials, and provided for public education and poor relief. Due to increased property valuations and transfers, broadening of the scope of commercial enterprises, a constant growth in population, and improvements in transportation, county finance gradually grew from a simple form to a complex form requiring additional public officials. New courts were created and abolished from time to time. The office of auditor was created in 1841 to take over many duties of the clerk of the circuit court. The first tax law for the support of schools was passed in 1849. Since the adoption of the Constitution of 1851 school facilities have steadily improved. In 1899 the "County Reform Law" was enacted, transferring to the newly created county council many duties concerning finance previously performed by the board of commissioners. In recent years public health service and public welfare assistance have become important functions of the county and its officials.

#### GENERAL ADMINISTRATION

The general administrative control of county matters is



Circles-constitutional officers.  
 Squares - statutory officers.  
 Figures - number of members  
 and term of office.  
 Solid lines- elected or appointed.  
 Broken lines- ex officio.

CHART OF MONROE COUNTY GOVERNMENTAL ORGANIZATION, 1940



vested in the board of commissioners and the county council.<sup>112</sup>

#### CONTRACTS

The board of commissioners, as the general governing body of the county, is the agency entrusted with the making of contracts for the purchase of materials and supplies for all county offices, and for the construction of county buildings and other public improvements.<sup>113</sup> The board cannot bind the county by any contract which is beyond the scope of its powers.<sup>114</sup> While contracts made by the board are ordinarily in writing, the board may, in certain cases, bind the county by oral contracts.<sup>115</sup>

Though the statutes prescribing the methods of letting contracts vary in detail, their general features are fairly uniform. The board is usually required to prepare specifications of commodities to be purchased or work to be performed, together with plans, drawings, or models, if necessary or desirable, and to place these on file in the auditor's office for public inspection. Notice is then given by publication in newspapers of general circulation that the specifications are on file for examination and that sealed bids will be received up to a certain date. The board, after examination of the bids submitted, is required to award the contract to the "lowest responsible bidder," or, in some instances, the "lowest and best bidder."<sup>116</sup> The right is usually reserved to the board, however, to reject any and all bids, if they are unsatisfactory, and re-advertise for new bids.

---

<sup>112</sup> Many duties of these boards are discussed specifically under appropriate headings of this essay. See also the essays entitled "Board of Commissioners" and "County Council."

<sup>113</sup> Acts 1899, 1903, 1933; Burns 26-536, 26-537; Baldwin 5401, 5402. Acts 1907; Burns 26-2001 to 26-2009; Baldwin 5100 to 5108. Acts 1913, 1929, 1933; Burns 53-101 to 53-106; Baldwin 14079 to 14083.

Use of prison-made goods. *Opinions of the Attorney General of Indiana, 1939* (Indianapolis, 1940), 98.

<sup>114</sup> *Hight v. Board of County Comrs.* (1879), 68 Ind. 575, 577; *Driftwood Valley Turnpike Co. v. Board of County Comrs.* (1880), 72 Ind. 226; *Board of County Comrs. v. Bradford* (1880), 72 Ind. 455.

<sup>115</sup> *McCabe v. Board of County Comrs.* (1874), 46 Ind. 380; *Board of County Comrs. v. Ritter* (1883), 90 Ind. 262.

<sup>116</sup> The courts have held that provisions of this nature vest some discretion in the board in determining the bidder to whom the contract shall be awarded. *Ness v. Board of County Comrs.* (1912), 178 Ind. 221, 98 N. E. 33; *Eigenmann v. Board of County Comrs.* (1913), 53 Ind. App. 1, 101 N. E. 38.

Contracts cannot be made unless money has previously been appropriated by the county council for the particular purpose involved.<sup>117</sup>

As a general rule, the time for performance of a contract may extend beyond the official terms of the county commissioners, if the contract is made in good faith.<sup>118</sup> A contract employing an attorney is an exception to this rule.<sup>119</sup>

#### ACTIONS

Ordinarily an action for or against the county is brought by or against the board of commissioners.<sup>120</sup> An action to recover money from the county cannot be maintained until a claim therefor has been presented to the board of commissioners and disallowed in whole or in part; but the complaint in such suit need not allege such presentation and disallowance, this being a matter of defense.<sup>121</sup> If the allowance of a claim is illegal, unwarranted, or unauthorized, the board of commissioners may sue to recover from the payee the amount paid. If the board does not bring such suit within 60 days after such allowance, any taxpayer may demand such suit; and if such demand is refused, the taxpayer may sue for the county.<sup>122</sup> If money is illegally paid out of the county treasury, suit to recover the same from the payee may be maintained in the name of the state on the relation of the board of commissioners or the officer making disbursement. If such suit is not brought within 30 days, any citizen or taxpayer may make written demand on the board of commissioners to bring such suit; and if the board fails or refuses to do so, he may bring suit in the name of the state on his own relation.<sup>123</sup>

---

<sup>117</sup> Acts 1889; Burns 26-525, 26-527; Baldwin 5389, 5391.

<sup>118</sup> Board of County Comrs. v. Shields (1891), 130 Ind. 6, 29 N. E. 385; Jessup v. Hinchman (1922), 77 Ind. App. 460, 133 N. E. 853.

<sup>119</sup> Board of County Comrs. v. Taylor (1890), 123 Ind. 148, 23 N. E. 752.

<sup>120</sup> 1 Rev. Stat. 1852; Burns 26-606; Baldwin 5220. Shilling v. State *ex rel.* Board of County Comrs. (1901). 158 Ind. 185, 62 N. E. 49.

<sup>121</sup> Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275. Bass Foundry & Mach. Works v. Board of County Comrs. (1888). 115 Ind. 234, 17 N. E. 593; Board of County Comrs. v. Tichenor (1891), 129 Ind. 562, 29 N. E. 32; Mueller v. Board of County Comrs. (1920), 73 Ind. App. 196, 127 N. E. 15.

<sup>122</sup> Acts 1897; Burns 26-811; Baldwin 5262. Sudbury v. Board of County Comrs. (1901). 157 Ind. 446, 62 N. E. 45.

<sup>123</sup> Acts 1899; Burns 26-545; Baldwin 5410.

The board of commissioners, as relator, may sue, in the name of the state, on official bonds to recover county funds.<sup>124</sup> The auditor, as relator, may sue, in the name of the state, to recover money owing to the county.<sup>125</sup>

The treasurer sues in his name, as treasurer, to collect property taxes.<sup>126</sup> Suit to collect inheritance taxes is brought in the name of the county.<sup>127</sup> After a claim therefor has been disallowed by the board of commissioners, the taxpayer may sue the board of commissioners for a refund of taxes illegally assessed or collected.<sup>128</sup>

Land needed by the county for public buildings,<sup>129</sup> highways, bridges, culverts,<sup>130</sup> drainage, sewers,<sup>131</sup> or airports<sup>132</sup> may be acquired by the county under its power of eminent domain, on payment of the value and damages fixed by the court in condemnation proceedings.

The action of mandamus may be brought against any county officer to compel the performance of any act which the law specifically enjoins, or any duty resulting from his office or trust.<sup>133</sup> For example, mandamus lies to compel: The auditor to draw warrants on the county treasury;<sup>134</sup> the board of commissioners to take action on claims that have been properly presented,<sup>135</sup> to approve official bonds,<sup>136</sup>

<sup>124</sup> Acts 1881 (Spec. Sess.); Burns 2-203; Baldwin 18. *Graham v. State ex rel. Board of County Comrs.* (1879), 66 Ind. 386; *Shilling v. State ex rel. Board of County Comrs.* (1901), 158 Ind. 185, 62 N. E. 49.

<sup>125</sup> 1 Rev. Stat. 1852; Burns 49-3017; Baldwin 5431. *Vanarsdall v. State ex rel. Watson* (1879), 65 Ind. 176; *Demarest v. Holdeman* (1901), 157 Ind. 467, 62 N. E. 17.

<sup>126</sup> Acts 1932 (Spec. Sess.); Burns 64-1511; Baldwin 15754.

<sup>127</sup> Acts 1931; Burns 6-2415; Baldwin 15953.

<sup>128</sup> Acts 1919; Burns 64-2819; Baldwin 15881. Acts 1923; Burns 64-2824; Baldwin 15884. *Cody v. Board of County Comrs.* (1932), 204 Ind. 87, 183 N. E. 404; *Board of County Comrs. v. Millikan* (1934), 207 Ind. 142, 190 N. E. 185.

<sup>129</sup> Acts 1899; Burns 26-2101; Baldwin 5109.

<sup>130</sup> Acts 1919; Burns 36-303; Baldwin 8861. Acts 1935; Burns, 1939 suppl., 36-711; Baldwin, 1935 suppl., 8861-1.

<sup>131</sup> Acts 1937; Burns, 1939 suppl., 26-640; Baldwin, 1937 suppl., 5236-1.

<sup>132</sup> Acts 1920 (Spec. Sess.); Burns 14-302; Baldwin 4022.

<sup>133</sup> Acts 1881 (Spec. Sess.), 1911; Burns 3-2202; Baldwin 1091.

<sup>134</sup> *Gill v. State ex rel. Board of County Comrs.* (1880), 72 Ind. 266.

<sup>135</sup> *Board of County Comrs. v. State ex rel. Reed* (1913), 179 Ind. 644, 102 N. E. 97.

<sup>136</sup> *State ex rel. Taylor v. Board of County Comrs.* (1890), 124 Ind. 554, 25 N. E. 10.

and to repair or rebuild bridges;<sup>137</sup> and the county council to make appropriations.<sup>138</sup>

In some instances a county officer can be enjoined from acting illegally. Some of the acts prevented by injunction are: Collection of illegal taxes;<sup>139</sup> illegal issuance of licenses;<sup>140</sup> doing of illegal acts that would increase taxation;<sup>141</sup> payment of illegal claims;<sup>142</sup> and making an illegal contract.<sup>143</sup>

The county is not liable for damages resulting from the acts or omissions of its officers, except where such liability is imposed or permitted by statute.<sup>144</sup>

Failure of the county council to make appropriation for the debt or demand constituting the subject matter of the suit does not prevent maintenance of the suit or recovery of judgment.<sup>145</sup> No judgment against a county is enforceable except out of moneys appropriated by the county council for that purpose; but, by mandamus proceedings (against the county council, board of commissioners, and auditor), the county council may be compelled to make such appropriation.<sup>146</sup>

It is the duty of the prosecuting attorney to superintend, on behalf of the county, all suits in which the county may be interested or involved,<sup>147</sup> including suits to collect taxes and tax penalties<sup>148</sup> and suits against officers or on their

<sup>137</sup> State *ex rel.* Roundtree v. Board of County Comrs. (1881), 80 Ind. 478.

<sup>138</sup> Shelby County Council v. State *ex rel.* School City of Shelbyville (1900), 155 Ind. 216, 57 N. E. 712.

<sup>139</sup> Hobbs v. Board of County Comrs. (1885), 103 Ind. 575, 3 N. E. 263.

<sup>140</sup> Marriage license. Sweigart v. State (1938), 213 Ind. 157, 12 N. E. (3d) 134.

<sup>141</sup> State *ex rel.* Davis v. Board of County Comrs. (1905), 165 Ind. 262, 74 N. E. 1091.

<sup>142</sup> Warren Agri. Joint Stock Co. v. Barr (1876), 55 Ind. 30. But see Bentley v. Board of County Comrs. (1936), 102 Ind. App. 533, 200 N. E. 499.

<sup>143</sup> Farris v. Jones (1887), 112 Ind. 438, 14 N. E. 484.

<sup>144</sup> State *ex rel.* Board of County Comrs. v. Board of County Comrs. (1908), 170 Ind. 595, 608, 85 N. E. 513.

<sup>145</sup> Acts 1899; Burns 26-527; Baldwin 5391. Board of County Comrs. v. Pike Civil Twp. (1907), 168 Ind. 535, 81 N. E. 489.

<sup>146</sup> Acts 1899; Burns 26-523; Baldwin 5392.

1214008

Formerly the public property of the county was subject to execution to satisfy such judgment. 2 Rev. Stat. 1852; Burns 26-803; Baldwin 5253.

<sup>147</sup> 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460.

<sup>148</sup> Acts 1931; Burns 6-2415; Baldwin 15653. Acts 1937; Burns, 1939 suppl., 16-320; Baldwin, 1937 suppl., 3811-4. Acts 1919; Burns 64-608, 64-719, 64-1319, 64-1519, 64-2208; Baldwin 15576, 15633, 15723, 15773, 15815. Acts 1932 (Spec. Sess.); Burns 64-1511; Baldwin 15754. Acts 1933, 1937; Burns, 1939 suppl., 64-2623; Baldwin, 1937 suppl., 16009.



bonds.<sup>149</sup> The prosecuting attorney must make a report to the board of commissioners each month showing the causes in which he appeared in person or by deputy.<sup>150</sup>

### RECORDATION

The recordation of deeds, mortgages, plats, and other private documents for purposes of preservation and public notice is a most important function of the county, since commerce and titles to property are directly affected thereby.<sup>151</sup> To entitle any conveyance, mortgage, or other written instrument to be recorded, the execution thereof must be acknowledged or proved in the manner required by law,<sup>152</sup> and the intangible tax thereon (if any) must be paid.<sup>153</sup> No conveyance of land can be recorded by the recorder until after the instrument has been presented to the auditor and he has made an endorsement thereon that the land has been duly entered for taxation or is not taxable.<sup>154</sup>

The recorder and clerk of the circuit court are the recording officers. Lists of documents which may be recorded by them are set out in the essays on their offices in Part B of this book.

Indiana has no system of registration of land titles. A bill to establish the "Torrens System" of registration of land titles was introduced in the 1939 session of the general assembly but was defeated.

Indiana has a system of registering titles to motor vehicles (law administered by the state bureau of motor vehicles),<sup>155</sup> but has no system of registering titles to other personal property.

<sup>149</sup> Acts 1917; Burns 60-227; Baldwin 13873.

<sup>150</sup> Acts 1933; Burns 49-2695; Baldwin 7550.

<sup>151</sup> Acts 1935; Burns, 1939 suppl., 51-504; Baldwin, 1935 suppl., 13227-4. 1 Rev. Stat. 1852; Burns 56-118; Baldwin 14664. 1 Rev. Stat. 1852, Acts 1875, 1913, 1921, 1923; Burns 56-119; Baldwin 16571. Acts 1997; Burns 57-120. Acts 1877; Burns 56-716; Baldwin 998.

Right to rely on record of mortgage. Vincennes Savings and Loan Assn. v. St. John (1938), 213 Ind. 171, 12 N. E. (2d) 127.

<sup>152</sup> *The Revised Laws of the State of Indiana, 1831* (Indianapolis, 1831), ch. 41, secs. 7, 11 (volume hereafter cited as Rev. Laws 1831). Acts 1905; Burns 48-801; Baldwin 12473. 1 Rev. Stat. 1852; Burns 49-3212; Baldwin 14666. Acts 1935; Burns, 1939 suppl., 51-507; Baldwin, 1935 suppl., 13227-7. 1 Rev. Stat. 1852, Acts 1859; Burns 56 123 to 56-120, 56-122 to 56-137; Baldwin 14674 to 14676, 14679 to 14683, 14666, 14669, 14678, 14677, 14659, 14731.

The acknowledgment or proof must be recorded with the instrument. *Ibid.*

<sup>153</sup> Acts 1933; Burns 64-929; Baldwin 15927.

<sup>154</sup> 1 Rev. Stat. 1657; Burns 49-3214; Baldwin 5479. Acts 1913; Burns 64-1409; Baldwin 15746.

<sup>155</sup> Acts 1921, 1931, 1935, 1939; Burns, 1939 suppl., 47-301; Baldwin, 1939 suppl., 11128.



## JUDICIARY

Monroe Circuit Court (the only court of record in the county) has been in active existence since 1818. Monroe County alone has constituted the 10th judicial circuit since January 1, 1939. Before then the county belonged to judicial circuits composed of more than one county. The circuit court has consisted of one judge since 1851. Before then it was composed of three judges (two associate judges who served in Monroe County only, and one president judge who served in each county of the judicial circuit). The following courts previously existed in Monroe County, but were abolished: Probate court, 1829 to 1853; court of common pleas, 1853 to 1873; and court of conciliation, 1853 to 1865.<sup>156</sup>

The circuit court has original jurisdiction of naturalization proceedings under the federal laws, all criminal cases under the state laws (except those punishable only by fine not exceeding \$3, of which the justices of the peace have exclusive original jurisdiction), all civil actions at law, all suits in equity, divorce and alimony proceedings, declaratory judgment proceedings, juvenile matters, insanity inquests and commitments, election contests, proceedings for removal of county officers, *quo warranto* proceedings, proceedings for mandate, prohibition, and injunction, proceedings to quiet title to real estate, partition proceedings, *ne exeat* proceedings, habeas corpus proceedings, proceedings to commit persons to hospitals operated by Indiana University, eminent domain proceedings, proceedings to establish drainage districts and assessments, proceedings for change of names, adoption proceedings, receiverships, bastardy proceedings, guardianships, probate of wills, and administration of estates of decedents, minors, and insane persons. The circuit court is known as the "Juvenile Court" when exercising jurisdiction of juvenile matters.<sup>157</sup>

---

<sup>156</sup> See the essay entitled "Circuit Court."

<sup>157</sup> General provisions. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

Naturalization proceedings. *U. S. Statutes at Large*, 2:153, 155 (law of 1802); 4:69 (law of 1824). *The Code of the Laws of the U. S. A. of a General and Permanent Character in Force January 3, 1935* (Washington, 1935), title 8, sec. 357 (laws of 1906, 1911, 1913), (volume hereafter cited as *U. S. C.*).

Criminal cases within exclusive jurisdiction of justices of the peace. Acts 1905; Burns 9-711, 9-715; Baldwin 2080, 2084.

The circuit court has appellate jurisdiction<sup>158</sup> to review decisions of justices of the peace,<sup>159</sup> municipal courts

---

Divorce and alimony. Acts 1873, 1933; Burns 3-1203, 3-1217; Baldwin 904, 926. Acts 1903; Burns 3-1232; Baldwin 935. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

Declaratory judgment proceedings. Acts 1927; Burns 3-1101 to 3-1116; Baldwin 438-45 S.

Election contests. Acts 1933, 1935; Burns, 1939 suppl., 29-2301 to 29-2309; Baldwin, 1935 suppl., 7428 to 7435, 7427-1. State *ex rel.* Lord v. Sullivan (1938), 214 Ind. 279, 15 N. E. (2d) 384.

Removal of county officers. Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8 Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052. Bateman v. State (1938), 214 Ind. 138, 14 N. E. (2d) 1007.

Quo warranto. Acts 1881 (Spec. Sess.), 1929; Burns 3-2001 to 3-2016; Baldwin 1045, 1046, 1054, 1047 to 1060.

Eminent domain. Acts 1905, 1935; Burns, 1939 suppl., 3-1702; Baldwin, 1935 suppl., 14062. Acts 1905; Burns 3-1707; Baldwin 14068.

Drainage districts and assessments. Acts 1933; Burns 27-104, 27-109, 27-116, 27-122, 27-134; Baldwin 5740, 5745, 5752, 5759, 5770. Penn v. Ducomb (1938), 213 Ind. 133, 12 N. E. (2d) 116.

Change of name. 2 Rev. Stat. 1852, 1905; Burns 3-801 to 3-805; Baldwin 869 to 873.

Adoption. Acts 1855, 1883; Burns 3-101, 3-103; Baldwin 681, 684.

Receiverships. Acts 1881 (Spec. Sess.); Burns 3-2601 *et seq.*; Baldwin 1143 *et seq.*

Bastardy proceedings. 2 Rev. Stat. 1852; Burns 3-606 to 3-614, 3-616; Baldwin 851, 855, 856, 859, 862, 864, 867, 868, 869, 865. 2 Rev. Stat. 1852, 1877, 1935; Burns, 1939 suppl., 3-605, 3-615; Baldwin, 1935 suppl., 850, 861.

Mandate and prohibition. Acts 1881 (Spec. Sess.), 1911, 1915, 1933; Burns 3-2201 to 3-2208; Baldwin 1090 to 1093, 1095, 1095-1, 1096, 1097.

Injunction. Acts 1881 (Spec. Sess.), 1899; Burns 3-2101 to 3-2120; Baldwin 1061 to 1020.

Quieting title. Acts 1881 (Spec. Sess.), 1911, 1915; Burns 3-1401 to 3-1410; Baldwin 966, 3303, 3304, 967, 942, 943, 970, 969, 963, 968 note. Acts 1935; Burns, 1939 suppl., 3-1417, 3-1418; Baldwin, 1935 suppl., 553-1, 553-2.

Partition. 2 Rev. Stat. 1852, Acts 1881 (Spec. Sess.), 1897; Burns 3-2401 *et seq.*; Baldwin 1106 *et seq.*

Ne exeat. Acts 1881 (Spec. Sess.); Burns 3-2501 to 3-2307; Baldwin 1102, 1105, 1098, 1029, 1100, 1101, 1103.

Habeas corpus. Acts 1881 (Spec. Sess.); Burns, 3-190 to 3-1925; Baldwin, 1020 *et seq.*

Juvenile matters. Acts 1903, 1913, 1931, 1935, 1937; Burns, 1939 suppl., 9-2801; Baldwin, 1937 suppl., 1759.

Insane persons. 2 Rev. Stat. 1852, Acts 1895; Burns 3-202 *et seq.*; Baldwin 3460 *et seq.* Acts 1855; Burns 22 1401 *et seq.*; Baldwin 1081 *et seq.* Acts 1939; Burns, 1939 suppl., 22-1742; Baldwin, 1939 suppl., 4227-2.

Wills. 2 Rev. Stat. 1852; Burns 7-401, 7-414, 7-503, 7-506; Baldwin 3376, 3388, 3393, 3401. Acts 1911, 1921, 1933; Burns 7-504; Baldwin 3395.

Hospitals operated by Indiana University. Acts 1939; Burns, 1939 suppl., 28-5417; Baldwin, 1939 suppl., 14078-89c.

<sup>158</sup> Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

<sup>159</sup> 2 Rev. Stat. 1852; Burns 5-1001; Baldwin 1931.

punishing violations of ordinances,<sup>160</sup> board of commissioners,<sup>161</sup> board of review fixing value of property for taxation,<sup>162</sup> taxing authorities determining that property is taxable,<sup>163</sup> board of public works or board of park commissioners of any city in the county (or city council performing such functions),<sup>164</sup> and other inferior tribunals when no express direction is given as to the court to which the appeal lies.<sup>165</sup>

The circuit court has power to make all proper judgments, sentences, decrees, orders, and injunctions; to punish contempts; to issue all process necessary for the exercise of its jurisdiction (including process to inferior courts);<sup>166</sup> and to adopt rules for conducting its business.<sup>167</sup> Decisions of the circuit court are reviewable by the Supreme Court of Indiana or the Appellate Court of Indiana.<sup>168</sup>

In each township in Monroe County there is a justice of the peace, elected for a 4-year term by the voters of the township. He has original jurisdiction (concurrent with the circuit court) of certain civil actions involving \$200 or less, with power to render judgment up to \$300 on confession, exclusive original jurisdiction of misdemeanors under the state laws punishable by fine not exceeding \$3, original jurisdiction (concurrent with the circuit court) of all other misdemeanors under the state laws punishable by fine only, with power to assess fines only up to \$25, and jurisdiction as a committing magistrate in criminal cases under the state laws. His civil jurisdiction is limited to his township, but his criminal jurisdiction is co-extensive with his county. Each justice of the peace must pay to the county treasurer all fines which he collects. Monroe County has had justices of the peace since its organization in 1818.<sup>169</sup>

<sup>160</sup> Acts 1905; Burns 4-2415; Baldwin 2390. Acts 1917; Burns 4-2603; Baldwin 11608. Acts 1921; Burns 4-2702; Baldwin 12172. Acts 1923; Burns 4-2802; Baldwin 12336.

<sup>161</sup> Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275. 1 Rev. Stat. 1852; Burns 26-901; Baldwin 5277. Acts 1905; Burns 36-1501; Baldwin 8858. Acts 1933; Burns 27-117; Baldwin 5753. *State ex rel. Sink v. Cass Circuit Court* (1938), 214 Ind. 323, 15 N. E. (2d) 624.

<sup>162</sup> Acts 1927; Burns 64-1020; Baldwin 15686.

<sup>163</sup> Acts 1919, 1927; Burns 64-2103; Baldwin 15804.

<sup>164</sup> Acts 1933; Burns 48-4501; Baldwin 11576.

<sup>165</sup> *Hamilton v. Fort Wayne* (1880), 73 Ind. 1.

<sup>166</sup> 2 Rev. Stat. 1852; Burns 4-305 to 4-307, 4-312; Baldwin 1398 to 1400, 1405.

<sup>167</sup> 2 Rev. Stat. 1852; Burns 4-313; Baldwin 1406.

<sup>168</sup> 2 Rev. Stat. 1852, pt. 2, ch. 1, sec. 550. Acts 1901, 1907, 1915, 1925; Burns 4-214;

Baldwin 1356.

<sup>169</sup> Const. 1816, art. 5, sec. 12. Const. 1851, art. 7, sec. 14. *The Revised Statutes of the*

Arranged according to subject matter, the courts existing in Monroe County from 1818 to date have had original jurisdiction as follows: —*Civil actions at law*: (a) circuit court (1818 to date);<sup>170</sup> (b) probate court (1838 to 1853);<sup>171</sup> (c) court of common pleas (1853 to 1873);<sup>172</sup> *criminal cases*: (a) circuit court (1818 to date);<sup>173</sup> (b) court of common pleas (1853 to 1873);<sup>174</sup> *chancery cases*: (a) circuit court (1818 to date);<sup>175</sup>

---

*State of Indiana, 1838* (Indianapolis, 1838), ch. 7 (second act), sec. 1 (volume hereafter cited as Rev. Stat. 1838), ch. 58, secs. 1, 5, 14, 18, 19, 39. Rev. Stat. 1843, ch. 4, secs. 21-25; ch. 47, secs. 1-13; ch. 55, secs. 1, 5-8. 2 Rev. Stat. 1852, pt. 4, ch. 1, secs. 1-3; ch. 6, secs. 1-9. Acts 1813; Burns 5-101; Baldwin 1828. 2 Rev. Stat. 1852, Acts 1861; Burns 5-201, 5-208; Baldwin 1857, 1859. Acts 1881; Burns 5-1803; Baldwin 1874. Acts 1905; Burns 9-711, 9-715; Baldwin 2060, 2084.

<sup>170</sup> Const. 1816, art. 5, secs. 1, 3. Const. 1851, art. 7 secs. 1, 8. Acts 1816-17, ch. 2, secs. 5, 6; ch. 3, sec. 2. Acts 1817-18 (general), ch. 2, sec. 5. *The Revised Laws of the State of Indiana, 1824* (Corydon, Indiana, 1824), ch. 24, secs. 4, 5 (volume hereafter cited as Rev. Laws 1824). Rev. Laws 1831, ch. 22, sec. 3. Rev. Stat. 1838, ch. 23 (first act), sec. 3; ch. 38, sec. 1. *The Revised Statutes of the State of Indiana, 1843* (Indianapolis, 1843), ch. 38, secs. 7, 10-12 (volume hereafter cited as Rev. Stat. 1843). 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5; ch. 8, sec. 11. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

<sup>171</sup> Dower proceedings, partition proceedings, and actions concerning heirs, devisees, executors, administrators, and guardians. Acts 1828-29, ch. 26, secs. 1, 2. Rev. Laws 1831, ch. 25, secs. 1, 4. Rev. Stat. 1838, ch. 24, secs. 1, 5, 6. Rev. Stat. 1843, ch. 39, secs. 1, 6-8.

The probate court was abolished in 1853, and its jurisdiction was transferred to the court of common pleas. 1 Rev. Stat. 1832, ch. 92, sec. 1. 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 43. *Jones v. Cavins* (1853), 4 Ind. 305.

<sup>172</sup> 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 5, 7, 11, 12, 23. *Jones v. Cavins* (1853), 4 Ind. 305.

The court of common pleas had no jurisdiction of civil actions at law involving title to real estate, or to recover on bonds of state or county officers, or to recover damages for slander, libel, or breach of marriage contract, or to recover \$1,000 or more, or to recover \$50 or less. 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5; ch. 8, sec. 11.

The court of common pleas was abolished in 1873 and its jurisdiction was transferred to the circuit court. Acts 1873; Burns 4-328; Baldwin 1417.

<sup>173</sup> Const. 1816, art. 5, secs. 1, 3. Const. 1851, art. 7, secs. 1, 8. Acts 1816-17, ch. 2, secs. 5-7; ch. 3, sec. 2. Acts 1817-18 (general), ch. 2, secs. 5-7. Rev. Laws 1824, ch. 24, secs. 4-6. Rev. Laws 1831, ch. 22, secs. 3-5. Rev. Stat. 1838, ch. 23 (first act), secs. 3-5. Rev. Stat. 1843, ch. 38, secs. 9, 12, 13. 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5. Acts 1867, ch. 16, sec. 1; ch. 26. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

<sup>174</sup> The court of common pleas had no jurisdiction of offenses punishable by death. 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5; ch. 8, secs. 14-19. *Jones v. Cavins* (1853), 4 Ind. 305.

<sup>175</sup> Const. 1816, art. 5, secs. 1, 3. Const. 1851, art. 7, secs. 1, 8. Acts 1816-17, ch. 2, secs. 5, 9; ch. 3, sec. 2; ch. 4. Acts 1817-18 (general), ch. 2, sec. 5; ch. 3. Rev. Laws 1824, ch. 24, secs. 4, 5. Rev. Laws 1831, ch. 22, sec. 3. Rev. Stat. 1838, ch. 23 (first act), secs. 3, 12. Rev. Stat. 1843, ch. 38, secs. 8, 10-12; ch. 46, secs. 1-3. 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.



(b) probate court (1838 to 1853);<sup>176</sup> (c) court of common pleas (1853 to 1873);<sup>177</sup> *probate matters, settlement of decedents' estates, and guardianships*: (a) circuit court (1818 to 1829, 1873 to date);<sup>178</sup> (b) probate court (1829 to 1853);<sup>179</sup> (c) court of common pleas (1853 to 1873);<sup>180</sup> *juvenile matters*: (a) circuit court (1867 to date);<sup>181</sup> (b) court of common pleas (1867 to 1873);<sup>182</sup> *conciliation*: court of conciliation (1853 to 1865);<sup>183</sup> *naturalization proceedings*: (a) circuit court (1818 to date);<sup>184</sup> (b) court of common pleas (1853 to 1873).<sup>185</sup>

<sup>176</sup> Chancery suits in favor of or against heirs, devisees, legatees, executors, administrators, or guardians, and their sureties and representatives. Acts 1828-29, ch. 26, secs. 1, 2. Rev. Laws 1831, ch. 25, secs. 1, 4. Rev. Stat. 1838, ch. 24, secs. 1, 5. Rev. Stat. 1843, ch. 39, secs. 1, 6; ch. 46, secs. 1-3.

<sup>177</sup> 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5; ch. 8, secs. 7, 11, 21. *Jones v. Cavins* (1853), 4 Ind. 305.

<sup>178</sup> Const. 1816, art. 5, secs. 1, 3. Const. 1851, art. 7, secs. 1, 8. Acts 1816-17, ch. 2, secs. 5, 6; ch. 3, secs. 2, 3. Acts 1817-18 (general), ch. 2, sec. 5; ch. 13. Rev. Laws 1824, ch. 24, secs. 4, 5; ch. 79. Acts 1828-29, ch. 26, secs. 1, 2. Rev. Laws 1831, ch. 22, sec. 3; ch. 25, secs. 1, 4. Rev. Stat. 1838, ch. 23 (first act), sec. 3; ch. 24, secs. 1, 4-6. Rev. Stat. 1843, ch. 38, secs. 6-13; ch. 39, secs. 1, 6-8. 1 Rev. Stat. 1852, ch. 92, sec. 1. 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5; ch. 8, secs. 4, 5, 43. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1873; Burns 4-328; Baldwin 1417. *Jones v. Cavins* (1853), 4 Ind. 305.

<sup>179</sup> Acts 1828-29, ch. 26, secs. 1, 2. Rev. Laws 1831, ch. 25, secs. 1, 4. Rev. Stat. 1838, ch. 24, secs. 1, 4-6. Rev. Stat. 1843, ch. 4, secs. 2, 9; ch. 39, secs. 1, 5-8. 1 Rev. Stat. 1852, ch. 92, sec. 1. 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 43. *Jones v. Cavins* (1853), 4 Ind. 305.

<sup>180</sup> 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 4. Acts 1873; Burns 4-328; Baldwin 1417. *Jones v. Cavins* (1853), 4 Ind. 305.

<sup>181</sup> Acts 1867, ch. 62, secs. 10-19, 22, 23. Acts 1869 (Spec. Sess.); ch. 32, secs. 19-26, 35, 36. Acts 1872 (Spec. Sess.), ch. 30. Acts 1875, ch. 45. Acts 1879, ch. 58. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1927, 1929; Burns 4-603; Baldwin 1453. Acts 1903, 1913, 1931, 1935, 1937; Burns, 1939 suppl., 9-2801; Baldwin, 1937 suppl., 1759.

<sup>182</sup> 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 1. Acts 1867, ch. 62, secs. 10-19, 22, 23. Acts 1869 (Spec. Sess.), ch. 32, secs. 19-26, 35, 36. Acts 1872 (Spec. Sess.), ch. 30. Acts 1873; Burns 4-328; Baldwin 1417.

<sup>183</sup> Const. 1851, art. 7, sec. 19. 2 Rev. Stat. 1852, pt. 2, ch. 2. *Jones v. Cavins* (1853), 4 Ind. 305.

The court of conciliation was abolished in 1865. Acts 1865 (Spec. Sess.), ch. 57.

<sup>184</sup> *U. S. Statutes at Large*, 2:153, 155 (law of 1802); 4:69 (law of 1824). *U. S. C.*, title 8, sec. 357 (laws of 1906, 1911, 1913). Const. 1816, art. 5, secs. 1, 3. Const. 1851, art. 7, secs. 1, 8. Acts 1816-17, ch. 2, secs. 5, 6; ch. 3, sec. 2. Acts 1817-18 (general), ch. 2, sec. 5. Rev. Laws 1824, ch. 24, secs. 4, 5. Rev. Laws 1831, ch. 22, sec. 3. Rev. Stat. 1838, ch. 23 (first act), sec. 3; ch. 88, sec. 1. Rev. Stat. 1843, ch. 38, secs. 7, 10-12. 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5; ch. 8, sec. 11. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

<sup>185</sup> *U. S. Statutes at Large*, 2:153, 155 (law of 1802); 4:69 (law of 1824). *U. S. C.*, title



Decisions of the circuit court were reviewable by the Supreme Court of Indiana from 1818 until 1891, and since 1891 by the Supreme Court of Indiana or the Appellate Court of Indiana.<sup>186</sup> Decisions of the probate court (1829 to 1853) and the court of common pleas (1853 to 1873) were reviewable by the Monroe Circuit Court or the Supreme Court of Indiana.<sup>187</sup> Proceedings in the court of conciliation could not be appealed to another court.<sup>188</sup>

In 1937 the Supreme Court of Indiana said: "Courts are bound to declare the law to be that which the General Assembly, acting within its constitutional power, enacts, be it wise or foolish as measured by our personal views, and even though it shocks our sense of justice and fairness."<sup>189</sup>

The clerk of the circuit court, in person or by deputy, performs for the circuit court the numerous statutory and customary duties of clerk.<sup>190</sup> From 1829 until 1853 the clerk of the circuit court was ex officio clerk of the probate court (abolished in 1853);<sup>191</sup> and from 1853 until 1873 he was ex officio clerk of the court of common pleas (abolished in 1873).<sup>192</sup>

The sheriff, in person or by deputy, attends the circuit court, preserves order therein, makes announcements for the court, calls witnesses to the courtroom, and executes the process of the court.<sup>193</sup> Constables perform similar duties

8, sec. 357 (laws of 1906, 1911, 1913). 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5; ch. 8, secs. 5, 7, 11, 12, 21, 23. Acts 1873; Burns 4-328; Baldwin 1417, Jones v. Cavins (1853), 4 Ind. 305.

<sup>186</sup> Acts 1816-17, ch. 1, secs. 7, 13. Acts 1817-18 (general), ch. 1, secs. 7, 13. Rev. Laws 1824, ch. 25, sec. 7. Rev. Laws 1831, ch. 24, sec. 7. Rev. Stat. 1838, ch. 25, secs. 13, 16. Rev. Stat. 1843, ch. 37, secs. 1, 9, 70, 91. 2 Rev. Stat. 1852, pt. 2, ch. 1, sec. 550. Acts 1891, ch. 37. Acts 1893, ch. 32. Acts 1897, ch. 9. Acts 1899, ch. 22. Acts 1901, 1907, 1915, 1925; Burns 4-214; Baldwin 1356.

<sup>187</sup> Acts 1828-29, ch. 26, sec. 4. Rev. Laws 1831, ch. 24, sec. 7; ch. 25, sec. 52. Rev. Stat. 1838, ch. 24, sec. 12; ch. 25, secs. 13, 16. Rev. Stat. 1843, ch. 37, secs. 1, 9, 70; ch. 39, secs. 33-36. 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 13, 20; pt. 2, ch. 1, sec. 550.

<sup>188</sup> Const. 1851, art. 7, sec. 19. 2 Rev. Stat. 1852, pt. 2, ch. 2, secs. 7, 12-14.

<sup>189</sup> State v. Brown (1937), 213 Ind. 118, 124, 11 N. E. (2d) 679.

<sup>190</sup> 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433. See the essay entitled "Clerk of the Circuit Court."

<sup>191</sup> Acts 1829-30, ch. 26, sec. 3. Rev. Laws 1831, ch. 25, sec. 7. 1 Rev. Stat. 1852, ch. 92, sec. 1. 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 43.

<sup>192</sup> 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 25, 26. Acts 1873; Burns 4-328; Baldwin 1417.

<sup>193</sup> 2 Rev. Stat. 1852; Burns 49-2802, 49-2803; Baldwin 5494, 5495. See the essay entitled "Sheriff."

for the justices of the peace.<sup>194</sup> Bailiffs (appointed by the judge as needed) wait on the grand juries and petit juries and preserve order during their proceedings and deliberations. If no bailiff is appointed, the sheriff or his deputy performs these duties.<sup>195</sup> The coroner performs these duties of the sheriff in the event of the absence, personal interest, or incapacity of the sheriff, or vacancy in his office.<sup>196</sup> If the coroner is also absent or incapacitated, the judge appoints an elisor to perform these duties of the sheriff.<sup>197</sup> The prosecuting attorney acts as attorney for the state in criminal cases under state laws and as attorney for the county and state in certain civil cases.<sup>198</sup> The probation officer (appointed by the judge for an indefinite term when needed) makes investigations and reports in criminal and juvenile matters as directed by the court, and supervises the conduct of persons on probation.<sup>199</sup> The county director of public welfare performs duties of the probation officer when so directed by the court.<sup>200</sup> The court reporter (appointed by the judge for an indefinite term) takes down in shorthand, and thereafter transcribes into type-writing, as directed by the court or the parties, the oral evidence, rulings, instructions to the jury, and other proceedings of the court.<sup>201</sup> Two jury commissioners (annually appointed by the judge) prepare lists of names from which the

<sup>194</sup> 2 Rev. Stat. 1852; Burns 5-601; Baldwin 1865. Acts 1905; Burns 9-710; Baldwin 2081.

2 Rev. Stat. 1852; Burns 49-3401, 49-3403, 49-3407; Baldwin 16116, 1619, 16122.

<sup>195</sup> 1 Rev. Stat. 1852, ch. 3, sec. 4. 2 Rev. Stat. 1852, pt. 1, ch. 6, sec. 4. Acts 1879, ch. 51, sec. 26. Acts 1881 (Spec. Sess.), ch. 36, sec. 353; ch. 50, sec. 1. Acts 1895, ch. 145, sec. 122. Acts 1899, chs. 83, 112. Acts 1905, ch. 155. Acts 1915, ch. 172. Acts 1919, ch. 134. Acts 1921, ch. 146. Acts 1921, 1935; Burns, 1939 suppl., 4-3107; Baldwin, 1935 suppl., 1256. Acts 1905; Burns 9-1501, 9-1810; Baldwin 2245, 2250. *Adams v. State* (1938), 214 Ind. 603, 17 N. E. (2d) 84. *Opinions of the Attorney General of Indiana, 1939*, p. 312.

<sup>196</sup> 2 Rev. Stat. 1852; Burns 49-2502; Baldwin 5437.

<sup>197</sup> 2 Rev. Stat. 1852; Burns 4-322, 4-323; Baldwin 1411, 1412.

<sup>198</sup> 2 Rev. Stat. 1852; Burns 49-2501; Baldwin 5456. *Freed v. Martin* Circuit Court (1938), 214 Ind. 152, 14 N. E. (2d) 910; *State ex rel. Spencer v. Marion Criminal Court* (1938), 214 Ind. 551, 15 N. E. (2d) 1020. See the essay entitled "Prosecuting Attorney."

<sup>199</sup> Acts 1903, ch. 23, sec. 2. Acts 1925, ch. 218. Acts 1927; Burns 9-2212, 9-2213; Baldwin 2363, 2364.

<sup>200</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1120; Baldwin, 1937 suppl., 14078-21. See the essay entitled "County Department of Public Welfare."

<sup>201</sup> Acts 1881 (Spec. Sess.), ch. 89. Acts 1899, 1927; Burns 4-3501 to 4-3511; Baldwin 1288 to 1292, 1298, 1298-1, 1776, 1297-1, 1293, 1300. *Adams v. State* (1938), 214 Ind. 603, 17 N. E. (2d) 84.

grand juries and petit juries are drawn.<sup>202</sup> The court page (appointed by the judge for an indefinite term when needed) serves as messenger for the judge and clerk, and performs other minor duties assigned to him by the judge.<sup>203</sup>

Formerly a jury was used in coroner's inquests, but such juries were abolished in 1879. Under the present system, coroners act in a nonjudicial capacity when holding inquests.<sup>204</sup>

#### LAW ENFORCEMENTS

The constitution provides that all judicial officers shall be conservators of the peace in their respective jurisdiction,<sup>205</sup> and that all criminal prosecutions shall be carried on "in the name, and by the authority of, the state."<sup>206</sup>

Investigations of alleged violations of criminal law are conducted by the prosecuting attorney,<sup>207</sup> the sheriff,<sup>208</sup> or the coroner,<sup>209</sup> co-operating with one another and with state and federal bureaus of law enforcement;<sup>210</sup> and the results of such investigations, if they point toward violations of the law, are presented to the grand jury by the prosecuting attorney.<sup>211</sup>

<sup>202</sup> Acts 1881 (Spec. Sess.), 1899, 1913; Burns 4-3301, 4-3306; Baldwin 1266, 1270. Acts 1881 (Spec. Sess.), 1939; Burns, 1939 suppl., 4-3304; Baldwin, 1939 suppl., 1267. *Crickmore v. State* (1938), 213 Ind. 586, 12 N. E. (2d) 266; *Johnson v. State* (1938), 213 Ind. 659, 14 N. E. (2d) 96; *Foreman v. State* (1938), 214 Ind. 79, 14 N. E. (2d) 546.

<sup>203</sup> *Dunn v. State ex rel. Corydon* (1933), 204 Ind. 390, 184 N. E. 535. *Opinions of the Attorney General of Indiana, 1939*, p. 312.

<sup>204</sup> Acts 1807, ch. 8, secs. 2-10. Acts 1817-18 (general), ch. 20, secs. 1-9. Rev. Laws 1824, ch. 100, secs. 10-22. Rev. Stat. 1838, ch. 99 (1), secs. 1-23; ch. 99 (2), secs. 1-3. Rev. Stat. 1843, ch. 5, sec. 136; ch. 37, sec. 135; ch. 38, secs. 82-84; ch. 56, secs. 1-16. 2 Rev. Stat. 1852, Acts 1871, 1879 (Spec. Sess.), 1935; Burns, 1939 suppl., 49-2904a; Baldwin, 1935 suppl., 5439a. Acts 1879; Burns 49-2905; Baldwin 5444. *Stults Board of County Comrs.* 168 Ind. 539, 81 N. E. 471.

<sup>205</sup> Const. 1816, art. 5, sec. 5. Const. 1851, art. 7, sec. 15.

<sup>206</sup> Const. 1816, art. 5, sec. 11. Const. 1851, art. 7, sec. 18.

<sup>207</sup> 2 Rev. Stat. 1852; Burns 49-2503; Baldwin 5459. *State ex rel. Spencer v. Marion Criminal Court* (1938), 214 Ind. 551, 15 N. E. (2d) 1020.

<sup>208</sup> 2 Rev. Stat. 1852; Burns 49-2802; Baldwin 5494.

<sup>209</sup> 2 Rev. Stat. 1852, Acts 1871, 1879 (Spec. Sess.), 1935; Burns, 1939 suppl., 49-2904; Baldwin, 1935 suppl., 5439.

<sup>210</sup> Acts 1927; Burns 9-2603 to 9-2610; Baldwin 15353 to 15355, 15357 to 15361.

<sup>211</sup> Acts 1905, 1927; Burns 9-806, 9-801, 9-908; Baldwin 2102, 2123, 2131.

"An inquiry of a grand jury is not limited to the consideration of that which would be admissible on the trial of a cause. Any testimony which might legally affect the finding of or refusal to find an indictment is material in a grand jury investigation." *Maddox v. State* (1938), 213 Ind. 537, 12 N. E. (2d) 947.

The prosecuting attorney or his deputy may appear before the grand jury for the purpose of interrogating witnesses or giving information relative to any matter cognizable by it or giving requested advice on any legal matter, but he cannot be present during the deliberations of the grand jury.<sup>212</sup> The grand jury consists of six members,<sup>213</sup> at least five of whom must concur in the finding of an indictment. When an indictment is found by the grand jury, the foreman writes thereon the words "A true bill" and signs his name thereunder. The indictment is also signed by the prosecuting attorney.<sup>214</sup>

The prosecuting attorney conducts all prosecutions for felonies and misdemeanors charged in indictments returned by the grand jury.<sup>215</sup> He may also prosecute on affidavit all criminal offenses under the state laws, other than treason and murder.<sup>216</sup>

Actual enforcement of criminal law in the county is entrusted to the sheriff and the coroner, both offices having existed in Monroe County since its organization in 1818.<sup>217</sup>

<sup>212</sup> Acts 1905; Burns 9-826; Baldwin 2122.

<sup>213</sup> Acts 1905; Burns 9-801; Baldwin 2097.

Section 16 of art. 7 and sec. 4 of art. 15, of the Constitution of 1851, concerning eligibility and oaths of officers, does not apply to grand jurors. *Adams v. State* (1938), 214 Ind. 603, 17 N. E. (2d) 84.

<sup>214</sup> Acts 1905; Burns 9-901; Baldwin 2123. *Neal v. State* (1938), 214 Ind. 328, 14 N. E. (2d) 590, 15 N. E. (2d) 950.

Endorsement by prosecuting attorney. *Taylor v. State* (1888), 113 Ind. 471, 16 N. E. 183; *Robinson v. State* (1912), 177 Ind. 263, 97 N. E. 229; *Hamer v. State* (1928), 200 Ind. 403, 163 N. E. 91.

Statutory requirement that affidavits forming the basis of criminal prosecutions must be approved by the prosecuting attorney does not apply to indictments. *Peats v. State* (1938), 213 Ind. 560, 12 N. E. (2d) 270.

<sup>215</sup> 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460.

<sup>216</sup> Acts 1905, 1927; Burns 9-908; Baldwin 2131.

"Criminal prosecutions cannot be instituted by private individuals. They may be initiated by grand jury indictment. Formerly the only other method was on information. For this latter procedure the legislature substituted prosecutions by affidavit, approved by the prosecuting attorney." The court cannot compel the prosecuting attorney to approve such affidavit. *State ex rel. Freed v. Martin Circuit Court* (1938), 214 Ind. 152, 14 N. E. (2d) 910.

"In him [the prosecuting attorney] is vested discretionary judicial power to investigate and determine who shall be prosecuted and who shall not be prosecuted. Judges and courts cannot substitute their discretion for that of the prosecuting attorney." *State ex rel. Spencer v. Marion Criminal Court* (1938), 214 Ind. 551, 15 N. E. (2d) 1010.

<sup>217</sup> Const. 1816, art. 4, sec. 25. Const. 1851, art. 6, sec. 2. Acts 1817-18 (special), ch. 6, sec. 1.



As law enforcement officers, they have identical powers and duties;<sup>218</sup> in practice, however, the coroner performs few of these duties, except in the absence or incapacity of the sheriff. These officers make arrests in accordance with warrants issued by the circuit court or by the clerk of the circuit court, based on indictments returned by the grand jury or affidavits filed with the court.<sup>219</sup> Warrants for arrest may also be issued by the coroner, when the results of an inquest indicate that a felony was committed.<sup>220</sup> Arrest without warrant can be made for a felony, where the arresting officer has reliable information of the commission of the crime by the person arrested; and arrest without warrant can be made for a felony or misdemeanor committed within view of the arresting officer.<sup>221</sup> A warrant issued to the sheriff of the county in which the indictment was found or the affidavit was filed may be executed by him in any county of the state.<sup>222</sup>

In the constitution there are many provisions for the benefit of persons accused of crime. Justice must be administered freely, and without purchase; speedily, and without delay.<sup>223</sup> The accused has the right to a public trial in the county in which the offense was committed; the right to be heard by himself and council; the right to demand the nature and cause of the accusation against him, and to have a copy thereof; the right to meet the witnesses face to face; and the right to have compulsory process for obtaining witnesses in his favor.<sup>224</sup> No person can be put in jeopardy twice for the same offense. In a criminal prosecution, no person can be compelled to testify against himself.<sup>225</sup> A person arrested or confined in jail must not be treated with unnecessary rigor.<sup>226</sup> Excessive bail must not be required. Excessive fines must not be imposed. Cruel and unusual punishment must not be inflicted. All penalties must be proportioned

---

<sup>218</sup> 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901; Baldwin 5436.

<sup>219</sup> Acts 1881 (Spec. Sess.); Burns 3-302; Baldwin 725.

<sup>220</sup> 2 Rev. Stat. 1852; Burns 49-2914; Baldwin 5448.

<sup>221</sup> *Doering v. State* (1874), 49 Ind. 55, 19 Am. Rep. 669; *Hart v. State* (1924), 195 Ind.

334, 145 N. E. 449.

<sup>222</sup> Acts 1905, 1937; Burns, 1939 suppl., 9-1001; Baldwin, 1937 suppl., 2134.

<sup>223</sup> Const. 1851, art. 1, sec. 12.

<sup>224</sup> *Ibid.*, sec. 13.

<sup>225</sup> *Ibid.*, sec. 14.

<sup>226</sup> *Ibid.*, sec. 15.



to the nature of the offense.<sup>227</sup> Offenses other than murder and treason are always bailable by sufficient sureties. Murder and treason are bailable unless the proof of guilt is evident or the presumption of guilt is strong.<sup>228</sup> The penal laws of Indiana are founded on the principles of reformation, and not of vindictive justice.<sup>229</sup> In all criminal cases the jury has the right to determine both the law and the facts.<sup>230</sup> The privilege of the writ of habeas corpus (to obtain release from unlawful detention) cannot be suspended, except in case of rebellion or invasion; and then only if the public safety demands such suspension.<sup>231</sup> No conviction can "work corruption of blood or forfeiture of estate."<sup>232</sup> The governor has power to grant reprieves, commutations, and pardons; and to remit fines and forfeitures.<sup>233</sup>

The county jail is maintained by the county,<sup>234</sup> the sheriff being responsible for its management.<sup>235</sup> Inspection or investigation is made by the grand jury at the beginning of each regular session,<sup>236</sup> and by the board of commissioners every 3 months.<sup>237</sup>

## FINANCE

### APPROPRIATIONS AND BUDGETS

The power of making appropriations of money to be paid out of the county treasury has been vested exclusively in the county council since 1899.<sup>238</sup> Before 1899 the board of commissioners performed the duties now performed by the county council.<sup>239</sup>

---

<sup>227</sup> *Ibid.*, sec. 16.

<sup>228</sup> *Ibid.*, sec. 17.

<sup>229</sup> *Ibid.*, sec. 18.

<sup>230</sup> *Ibid.*, sec. 19.

<sup>231</sup> *Ibid.*, sec. 27.

<sup>232</sup> *Ibid.*, sec. 30.

<sup>233</sup> *Ibid.*, art. 5, sec. 17.

<sup>234</sup> 1 Rev. Stat. 1852; Burns 13-1001; Baldwin 13448.

<sup>235</sup> 1 Rev. Stat. 1852; Burns 13-1004; Baldwin 13453.

<sup>236</sup> 1 Rev. Stat. 1852; Burns 13-1002; Baldwin 13449.

<sup>237</sup> Acts 1909; Burns 13-1008; Baldwin 13460.

<sup>238</sup> Acts 1899; Burns 26-515; Baldwin 5379.

"Requirements for Spending Public Money," *Thirty-Ninth Annual Conference of the State Board of Tax Commissioners and County Assessors of Indiana, December 20, 21, 22, 1939* (Indianapolis, 1940), 8-14.

<sup>239</sup> 1 Rev. Stat. 1852, ch. 6, sec. 1; ch. 20, secs. 13, 16, 17, 18, 21, 22.

No money can be drawn from the county treasury not in pursuance of appropriation therefor,<sup>240</sup> except in the following instances: (a) Money belonging to the state and commanded by law to be paid into the state treasury; (b) money belonging to any school fund; (c) money belonging to any fund of any township, town, or city, and commanded by law to be paid to such municipality; (d) money, due to any person, which has been paid into the county treasury pursuant to public improvement assessments on persons or property of the county in territory less than the whole county; (e) money, due to any person, which has been paid into the treasury for redemption from any tax or other sale; or money so due that has been paid in pursuance to authority of law as a tender or payment to such person; (f) taxes erroneously paid; (g) funds received from the state or federal governments for welfare assistance or public work projects;<sup>241</sup> and (h) salaries fixed by law.<sup>242</sup>

Before the Thursday following the first Monday in August each year, the various officials of the county (including township trustees or assessors) submit to the auditor estimates of expenditures for the ensuing calendar year and estimates of probable revenue to be received from the state during that period. The estimates are kept on file in the auditor's office, subject to inspection by any taxpayer of the county. The auditor publishes notice of the aggregate amount of each of such estimates, and prepares an ordinance making an appropriation by items for the ensuing calendar year for the various purposes for which all of the estimates are required. At the annual meeting of the county council on the 1st Tuesday after the 1st Monday in September, the auditor submits all of the estimates to the county council and makes recommendations with reference thereto. The council, at that meeting, considers the estimates and the proposed ordinance, and makes such changes as are deemed necessary. A three-fourths vote is required to make appropriation for any item not contained in any estimate or for a greater amount than that named in any item of any estimate. The ordinance making the appropriation for the ensuing year is adopted after being read on at least 2 separate days. This appropriation is called the annual county

---

<sup>240</sup> Acts 1899; Burns 26-515; Baldwin 5379.

<sup>241</sup> Acts 1899, 1935; Burns, 1939 suppl., 26-522; Baldwin, 1935 suppl., 5386.

<sup>242</sup> *Blue v. State ex rel. Powell* (1936), 210 Ind. 486, 1 N. E. (2d) 122.

Salaries fixed by judge of circuit court for bailiff and page. *Opinions of the Attorney General of Indiana, 1939*, p. 312.

budget, and the estimates of expenditures and revenue are called budget estimates.<sup>243</sup>

If an emergency arising after the adjournment of the annual meeting requires funds supplementary to those originally included in the annual budget, additional appropriations may be made in an ordinance passed by a two-thirds vote of all the members of the council at a special meeting, after estimates are prepared and submitted in the manner required for annual estimates. If the aggregate amount of the requested appropriation exceeds \$15,000, the ordinance must be read on 2 separate days before passage.<sup>244</sup> Such additional appropriations must be approved by the state board of tax commissioners.<sup>245</sup>

When any item of appropriation remains unexpended at the end of the calendar year for which it was appropriated, the amount thereof reverts to the general fund of the county, and no warrant can be drawn thereon. However, time for withdrawal is extended where payment was withheld during such year because of an injunction which was later dissolved.<sup>246</sup> It is unlawful to overdraw the amount of any item of appro-

<sup>243</sup> Acts 1899; Burns 26-516 to 26-520; Baldwin 5380 to 5384. Acts 1919, 1920 (Spec. Sess.). 1921, 1927, 1935; Burns, 1939 suppl., 64-1331, 64-1339; Baldwin, 1935 suppl., 15735, 15737-1.

Appropriations can be made only by the passage of ordinances. State *ex rel.* Davis v. Board of County Comrs., (1905), 165 Ind. 262, 74 N. E. 1091.

The statutory provision requiring an ordinance for an appropriation to be read on 2 separate days is mandatory, and on failure to comply therewith the ordinance is invalid. Van Der Veer v. State *ex rel.* Herron (1929), 97 Ind. App. 1, 165 N. E. 265.

The surveyor's budget estimates of costs of maintenance of roads is under the control of the board of commissioners, and may be changed at any time by the board without the approval of the surveyor or the county highway supervisor. Bateman v. State (1938), 214 Ind. 138, 14 N. E. (2d) 1007.

<sup>244</sup> Acts 1937; Burns, 1939 suppl., 26-521; Baldwin, 1937 suppl., 5385.

The council's determination of emergency is not conclusive on the courts. State *ex rel.* Kautz v. Board of County Comrs. (1933), 204 Ind. 484, 184 N. E. 780.

The words "emergency growing out of a flood, fire, pestilence, war, or other major disaster" are used in Acts 1937; Burns, 1939 suppl., 64-312; Baldwin, 1937 suppl., 15397-6.

Provisions concerning township poor relief and public welfare services. Acts 1935; Burns, 1939 suppl., 52-174; Baldwin, 1935 suppl., 13320-31. Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1303; Baldwin, 1937 suppl., 14078-100.

<sup>245</sup> Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

<sup>246</sup> Acts 1899, 1903, 1905; Burns 26-524; Baldwin 5388.

priation or to use the funds of any item for an unauthorized purpose.<sup>247</sup>

No county official or court has power to bind the county by any contract, express or implied, to any extent beyond the amount of money at the time already appropriated by ordinance for the purpose of the obligation attempted to be incurred.<sup>248</sup>

#### TAXATION

The power of taxation is inherent in the state, and is a legislative power limited only by the provisions of the constitution.<sup>249</sup> The constitution provides that "The General Assembly shall provide, by law, for a uniform and equal rate of assessment and taxation; and shall prescribe such regulations as shall secure a just valuation for taxation of all property, both real and personal, excepting such only for municipal, educational, literary, scientific, religious, or charitable purposes, as may be specially exempted by law."<sup>250</sup> This section applies only to a general assessment on property according to its value, and does not apply to excise taxes.<sup>251</sup> Exemptions are discussed hereinafter.

In Indiana there are poll taxes, excise taxes, and property taxes. A poll tax is a tax assessed on the person. An excise tax is a tax on privileges, and includes taxes on occupations, inheritance, sale of gasoline, and the like. Laws imposing

---

<sup>247</sup> Acts 1899; Burns 26-523; Baldwin 5387. Acts 1899, 1935; Burns, 1939 suppl., 26-522; Baldwin, 1935 suppl., 5386.

<sup>248</sup> Acts 1899; Burns 26-525, 26-527; Baldwin 5389, 5391. *Opinions of the Attorney General of Indiana, 1939*, p. 312.

But lack of appropriation does not prevent entry of a judgment binding the county, where the court has jurisdiction of the parties and subject matter of the action. Acts 1899; Burns 26-527; Baldwin 5391. *Board of County Comrs. v. McGregor* (1909), 171 Ind. 634, 87 N. E. 1.

<sup>249</sup> *State ex rel. Goodman v. Halter* (1897), 149 Ind. 292, 47 N. E. 665; *Dunn v. Indianapolis* (1935), 268 Ind. 630, 196 N. E. 528; *Miles v. Department of Treasury* (1935), 209 Ind. 172, 199 N. E. 372. "Taxation in Indiana the Last Forty-Eight Years," *Thirty-Eighth Annual Conference of the State Board of Tax Commissioners and County Assessors of Indiana, January 9, 10, 11, 1939* (1939), 75-89.

<sup>250</sup> Const. 1851, art. 10, sec. 1.

The legislative power to exempt from taxation extends only to property "for municipal, education, literary, scientific, religious or charitable purposes." *Stark v. Kreyling* (1934), 207 Ind. 123, 188 N. E. 680. *Opinions of the Attorney General of Indiana, 1939*, p. 62.

<sup>251</sup> *State Bd. of Tax Comrs. v. Jackson* (1931), 283 U. S. 527, 75 L. Ed. 1248, 51 Sup. Ct. 540; *Miles v. Department of Treasury* (1935), 209 Ind. 172, 199 N. E. 372; *Davis v. Sexton* (1936), 210 Ind. 138, 200 N. E. 233.



excise taxes are sometimes called "internal revenue laws." The property tax (also known as ad valorem tax) is the tax on real and personal property based on value, and it constitutes the largest part of the county revenue. Property may be subject to an excise tax and also a property tax. Excise taxes administered by county officers are discussed hereinafter under the heading "Excise Taxes and Licensing."

In each township having a population not exceeding 5,000 (all townships except Bloomington and Perry), the office of township assessor has been abolished, and the duties of such office are performed by the township trustee.<sup>252</sup> Reference herein to the township assessor includes the township trustee performing the duties prescribed by statutes for township assessors.

A poll tax is assessed on every male inhabitant of the state between the ages of 21 and 50 years, and every such person must be listed for his poll tax in the township, town, or city of his residence.<sup>253</sup> Poll tax exemptions are allowed to volunteer firemen<sup>254</sup> and former soldiers and sailors receiving service-connected disability compensation.<sup>255</sup> Before 1919 the board of commissioners could grant poll tax exemptions because of inability to pay.<sup>256</sup> The auditor certifies to the city officials the number of taxable polls therein<sup>257</sup> and adds omitted polls to the tax duplicate.<sup>258</sup> Poll taxes are collected by the county treasurer. A poll tax receipt must be presented to any licensing authority to obtain an occupation license required by state law, a motor vehicle operator's or chauffeur's license, a motor vehicle license, or a certificate of title for a motor vehicle.<sup>259</sup>

---

<sup>252</sup> Acts 1933; Burns 64-1031; Baldwin 15664.

Vacancy caused by death of township assessor. *Opinions of the Attorney General of Indiana*, 1939, p. 243.

<sup>253</sup> Acts 1919; Burns 64-102; Baldwin 15515.

<sup>254</sup> 1 Rev. Stat. 1852, ch. 41, sec. 3. Acts 1933, ch. 91, sec. 1. Acts 1935, ch. 302, sec. 1. Acts 1939; Burns, 1939 suppl., 48-6161; Baldwin, 1939 suppl., 12653-1.

<sup>255</sup> Acts 1923; Burns 45-1210; Baldwin 10317. Acts 1919, 1920 (Spec. Sess.), 1921, 1923, 1937; Burns, 1939 suppl., 64-201, 64-220; Baldwin, 1937 suppl., 15518, 15515-1.

Before 1937 exemption was granted to all militiamen, soldiers, and sailors in active service. Acts 1919, 1920 (Spec. Sess.), 1921, 1923; Burns 64-201; Baldwin 15518.

<sup>256</sup> 1 Rev. Stat. 1852, ch. 20, sec. 30 (repealed by Acts 1919, ch. 59, sec. 2). *Opinions of the Attorney General of Indiana*, 1936, p. 83.

<sup>257</sup> Acts 1905, 1911; Burns 48-6708; Baldwin 11516.

<sup>258</sup> Acts 1919; Burns 64-2102; Baldwin 15803.

<sup>259</sup> Acts 1931; Burns 42-102 to 42-105; Baldwin 10499 to 10501, 10503.



The property tax laws are administered by the township assessors, county assessor, auditor, treasurer, board of review, county council, and board of tax adjustment, under the supervision of the state board of tax commissioners.<sup>260</sup> The state board prescribes rules and forms for the subordinate tax officials and instructs them concerning their duties.<sup>261</sup> It makes original assessments of certain classes of property of railroads, telephone companies, and other public utilities,<sup>262</sup> and supervises and reviews assessments, appropriations, and levies of the subordinate tax officials.<sup>263</sup>

The principal steps in property taxation, stated in their chronological order, are assessment, budget, levy, and collection. The assessment is the determination of what property is taxable and the value thereof. The budget is the appropriation of money for expenditures for the next calendar year. The levy is the charging of a certain amount of taxes against each \$100 of assessed valuation to raise the money required for the budget. The collection involves the voluntary payment and also proceedings to compel payment.<sup>264</sup>

---

<sup>260</sup> Interview of May 18, 1939 with Philip Zoercher, chairman of the state board of tax commissioners. See the authorities cited hereinafter under specific text statements.

<sup>261</sup> Acts 1919, 1921; Burns 64-1309, 64-2803, 64-2806; Baldwin 15713, 15866, 15869. "Revised Forms," *Thirty-Ninth Annual Conference of the State Board of Tax Commissioners and County Assessors of Indiana, December 20, 21, 22, 1939 (1940)*, pp. 22-30, 53, 54, 102, 103, 123-132.

<sup>262</sup> The state board of tax commissioners assesses property of the following companies: Railroad, telephone, express, telegraph, sleeping car, pipe line, car equipment (tank, refrigerator, freight), and "public utility" (heat, light, water, power, elevator, and warehouse service).

In case of railroads, the state board assesses the railroad track and the rolling stock. Local authorities assess personal property that has a fixed location and also real estate outside of the property denominated "railroad track."

The state board assesses the personal and intangible properties of the other specified companies. Their other property is assessed by local authorities.

Car equipment companies pay a tax of 2 percent on their assessed value direct to the state department of treasury.

Except as to the car equipment companies, the assessment of the state board is certified to the county auditor who apportions it among the several townships, towns, and cities entitled to a levy thereon, and places such assessments on the tax duplicate; and thereafter the tax is collected by the county treasurer. Acts 1919, 1921, 1923, 1932 (Spec. Sess.); Burns 64-703 to 64-740; Baldwin 15617 to 15654. "State Board Assessments," *Thirty-Ninth Annual Conference of the State Board of Tax Commissioners and County Assessors of Indiana, December 20, 21, 22, 1939 (1940)*, 14-21.

<sup>263</sup> Acts 1919, 1920 (Spec. Sess.), 1921, 1923, 1925, 1927, 1931; Burns 64-1301 to 64-1336; Baldwin 15705 to 15737, 12490 to 12492, 12522, 12527. Acts 1935; Burns, 1939 suppl., 64-1313, 64-1321, 64-1324, 64-1325, 64-1331; Baldwin, 1935 suppl., 15717, 15725, 15723, 15729, 15735.

<sup>264</sup> Interview of May 18, 1939 with Philip Zoercher, chairman of the state board of tax commissioners.

Assessment of real and personal property for county purposes also serves as the assessment for state, township, city, and town purposes.<sup>265</sup> Personal property is assessed each year as of the 1st day of March.<sup>266</sup> Though real estate is not re-assessed every year (the old assessment remaining in effect until changed), the lien for taxes thereon dates from March 1.<sup>267</sup> All taxable property, real and personal, is required to be assessed at the true cash value thereof.<sup>268</sup> Since personal property and real property are assessed differently, they will be discussed separately, beginning with personal property.

Personal property must be listed for taxation between March 1 and May 15 each year, with reference to the quantity and quality owned on March 1.<sup>269</sup> Each township assessor calls on the taxpayers and furnishes them with blanks for listing personal property. The taxpayer must list, under oath, all personal property held, possessed, or controlled by him, and state what he deems the true cash value of each item. Ordinarily the valuation of the taxpayer is accepted if within reason, but the assessor may fix a different valuation. If no list is given by the taxpayer or if the assessor doubts the correctness of the list, he may examine, under oath, the taxpayer and other persons concerning such property, and set down and assess to such person such amount of personal property as he may deem just.<sup>270</sup> If the taxpayer refuses to make a return or oath required by law, the assessor makes a note of such refusal, and the auditor adds 50 percent to the valuation returned by the assessor.<sup>271</sup>

After giving notice to the taxpayer, omitted personal property may be assessed by the township assessor,<sup>272</sup> county

---

<sup>265</sup> Acts 1919; Burns 64-2814; Baldwin 15877.

<sup>266</sup> Acts 1919; Burns 64-103, 64-41, 64-403; Baldwin 15516, 15524, 15526.

<sup>267</sup> Acts 1919, 1920 (Spec. Sess.); Burns 64-2825; Baldwin 15886.

<sup>268</sup> Acts 1919; Burns 64-103, 64-1009; Baldwin 15516, 15675. Acts 1937; Burns, 1939 suppl., 64-1019b; Baldwin, 1937 suppl., 15685-2. "Uniformity of Assessments," *Thirty-Ninth Annual Conference of the State Board of Tax Commissioners and County Assessors of Indiana, December 20, 21, 22, 1939* (1940), 54-85.

<sup>269</sup> Acts 1919; Burns 64-401; Baldwin 15524.

<sup>270</sup> Acts 1919; Burns 64-601 to 64-604, 64-610; Baldwin 15569 to 15572, 15578. "Revised Forms," *Thirty-Ninth Annual Conference of the State Board of Tax Commissioners and County Assessors of Indiana, December 20, 21, 22, 1939* (1940), 22-30, 53, 54, 102, 103, 123-139.

<sup>271</sup> Acts 1919; Burns 64-610; Baldwin 15578.

<sup>272</sup> Acts 1919; Burns 64-1025; Baldwin 15692.

assessor,<sup>273</sup> auditor,<sup>274</sup> or board of review;<sup>275</sup> and appeal from such assessment may be taken to the circuit court, on the question of whether such omitted property is taxable.<sup>276</sup>

The county assessor advises and instructs all township assessors in the county; and for this purpose visits each township assessor during March and April each year. The county assessor endeavors to cause uniformity and equality of assessment by the several township assessors. The county assessor and the township assessors may be removed by the state board of tax commissioners for incompetency or neglect of duty.<sup>277</sup>

The board of review, after giving 2-weeks' notice, meets on the 1st Monday in June each year. The board reviews the assessment of personal property, hears complaints of owners, reduces or increases valuations, equalizes valuations, corrects and completes the tax lists, and assesses omitted property. Notice must be given by the auditor to the owner before the board of review assesses omitted property or raises valuations.<sup>278</sup> Any person dissatisfied with the decision of the board of review may appeal to the state board of tax commissioners. Hearings on such appeals are, when possible, held in the auditor's office in the county from which the appeal was taken. The amount fixed by the state board is the final assessment of such property.<sup>279</sup>

The county auditor, on or before March 1 each year, makes out and delivers to the township assessors lists of lands entered on the tax duplicates of the previous year, with notations thereon showing all transfers made subsequent to the duplicate and all new entries of land not previously entered for taxation.<sup>280</sup>

---

<sup>273</sup> Acts 1919; Burns 64-1102; Baldwin 15698.

<sup>274</sup> Acts 1919; Burns 64-1402, 64-2102; Baldwin 15739, 15803.

<sup>275</sup> Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

<sup>276</sup> Acts 1919, 1927; Burns 64-2103; Baldwin 15804.

This statement of the scope of the appeal was suggested by Philip Zoercher, chairman of the state board of tax commissioners.

<sup>277</sup> Acts 1919, 1921; Burns 64-1001, 64-1202; Baldwin 15666, 15698.

Death of township assessor. *Opinions of the Attorney General of Indiana, 1939*, p. 243.

<sup>278</sup> Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

<sup>279</sup> Acts 1919, 1935; Burns, 1939 suppl., 64-1321; Baldwin, 1935 suppl., 15725. State board of tax commissioners, tax rule 6.

<sup>280</sup> Acts 1919, 1937; Burns, 1939 suppl., 64-1007; Baldwin, 1937 suppl., 15672.

The auditor makes plats of the several townships showing ownership, improvements, and assessed valuation of the parcels of real estate therein. The township assessors write on such plats the ownership and value of each plot of ground and the improvements thereon, and the plat is kept up with all current transactions and transfers.<sup>281</sup> For taxation purposes, the auditor keeps a transfer book, arranged by townships, cities, and towns, showing description of all lands conveyed by deed or partition, names of parties, and post-office addresses of grantees.<sup>282</sup> On the death of a landowner, the heir or devisee may have the auditor make an entry on the tax duplicate to show the change of ownership.<sup>283</sup>

Each township assessor is required to call on every person residing in his township for a list of lands owned by such person in such township subject to taxation. The improvements on such lands should be described, and any change of improvements since March 1 of the previous year should be stated. If such person fails to furnish such list within 5 days after being called on, as notified to do, the assessor may make the list according to the best information he can obtain, and the auditor must add 25 percent to the assessor's valuation of any lands or improvements of such person which were not assessed for taxation the previous year. On or before the 1st Monday in June in each year, the assessor must make out and deliver to the auditor, in a book furnished by him, a return of all real estate so listed.<sup>284</sup>

Re-assessment of lots, lands, or improvements can be made only when authorized by the state board of tax commissioners. If improvements are destroyed or removed, or if the value of improvements is reduced by substantial changes, the taxpayer should apply to the state board for an order for re-assessment, since the local officials cannot remove improvements from the tax lists and books or reduce the assessment of improvements without such order for re-assessment. The assessments mentioned in the next paragraph below may be made without an

---

<sup>281</sup> *Ibid.*

<sup>282</sup> Acts 1919; Burns 64-1409; Baldwin 15746.

<sup>283</sup> Acts 1921; Burns 64-519; Baldwin 14777.

<sup>284</sup> Acts 1919; Burns 64-1003, 64-1009, 64-1013, 64-1015, 64-1016; Baldwin 15674, 15675, 15679, 15681, 15682. "Revised Forms," *Thirty-Ninth Annual Conference of the State Board of Tax Commissioners and County Assessors of Indiana, December 20, 21, 22, 1939 (1940)*, 22-30, 53, 54, 102, 103, 123-139. See the following footnote.



order from the state board. The last general re-assessment of real estate in Indiana was made in 1932.<sup>285</sup>

Each person authorized to make assessment valuations of real estate for taxation is charged with the duty of correcting tax book errors as to description of property and name of owner. A notation is made showing any change of ownership since the last assessment. Each township assessor, after giving notice to the occupant of the property or the resident of the county claiming ownership, each year assesses any lots, lands, or improvements found omitted, and makes a return thereof to the auditor as of the year when the same should have been first assessed.<sup>286</sup> The county assessor,<sup>287</sup> auditor,<sup>288</sup> and board of review<sup>289</sup> also have power to assess such omitted property after giving notice. The auditor makes assessments of any newly platted additions to any city or town.<sup>290</sup> Such assessments by the township assessors, county assessor, and auditor may be reviewed and revised at the next meeting of the board of review.<sup>291</sup> The decision of the board of review in reviewing such assessments or in making an original assessment of omitted lots, lands, or improvements may be reviewed by the state board of tax commissioners in the manner provided for review of decisions concerning personal property, discussed above.<sup>292</sup> From any assessment of omitted lots, lands, or improvements, appeal may be taken to the circuit court on the question of such property's taxability.<sup>293</sup>

In case of flood, fire, or other disaster in which a substantial amount of property in any township has been partially or totally destroyed, the state board of tax commissioners

---

<sup>285</sup> Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019; Baldwin, 1937 suppl., 15685. "Uniformity of Assessments," *Thirty-Ninth Annual Conference of the State Board of Tax Commissioners and County Assessors of Indiana, December 20, 21, 22, 1939* (1940), 54-85. Interview of March 29, 1940 with Philip Zoercher, chairman of the state board of tax commissioners.

<sup>286</sup> Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019; Baldwin, 1937 suppl., 15685. Acts 1919; Burns 64-1025; Baldwin 15692.

<sup>287</sup> Acts 1919; Burns 64-1102; Baldwin 15698.

<sup>288</sup> Acts 1919; Burns 64-1402, 64-2102; Baldwin 15739, 15803.

<sup>289</sup> Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

<sup>290</sup> Acts 1919; Burns 64-1027; Baldwin 15691.

<sup>291</sup> Acts 1919, 1920 (Spec. Sess.); Burns 64-1201, 64-1205; Baldwin 15700, 15704.

<sup>292</sup> Acts 1919, 1935; Burns, 1939 suppl., 64-1321; Baldwin, 1935 suppl., 15725. State board of tax commissioners, tax rule 6.

<sup>293</sup> Acts 1919, 1927; Burns 64-2103; Baldwin 15804.

This statement of the scope of the appeal was suggested by Philip Zoercher, chairman of the state board of tax commissioners.



must order a survey, determine the locality in which the property has been partially or totally destroyed, and order re-assessment of all or part of the property in such township.<sup>294</sup>

The state board, after March 31 of a year in which a general election is not held, may, without petition of taxpayers, order a hearing on the necessity of re-assessment for the whole state or for any of the counties or townships thereof. A hearing is held, after notice thereof, in each county in which the affected property is located. The board may then order re-assessment.<sup>295</sup>

Any person may, before March 31 in any year, file with the state board of tax commissioners a petition for re-assessment of his real estate. At the hearing, the petitioner must show cause for re-assessment. Other taxpayers may be heard in opposition. The board may then order the requested re-assessment. This is the only method for obtaining re-assessment of particular real estate.<sup>296</sup>

A petition for re-assessment of all real estate in a township, signed by the necessary percentage—it varies in different townships—of the resident owners of taxable real estate of such township and bearing a certificate of the auditor as to the required number of signers, may be filed with the state board of tax commissioners before March 31, in any year in which there is no general election of state, county, or township officials. If it appears to the board that the petition is in proper order and that the present valuation is inequitable, the board will order re-assessment of all or part of the real estate in the township.<sup>297</sup>

Within 10 days after the valuation of real or personal property is determined by the board of review or state board of tax commissioners, the owner may appeal to the circuit court on questions of law concerning such valuation.<sup>298</sup>

There are a great many statutory provisions concerning exemptions from property taxes, and space will permit only a

---

<sup>294</sup> Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019(c); Baldwin, 1937 suppl., 15685(c).

<sup>295</sup> Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019(b); Baldwin, 1937 suppl., 15685(b).

<sup>296</sup> Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019(d); Baldwin, 1937 suppl., 15685(d).

<sup>297</sup> Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019(a); Baldwin, 1937 suppl., 15685(a).

<sup>298</sup> Acts 1927; Burns 64-1020; Baldwin 15686.

brief discussion thereof. The following property is exempt from property taxes: Property of the United States and the State of Indiana; property of any county, city, town, or township; lands granted for the use of the common schools; real and personal property (including dormitories) actually used by schools and colleges; property used (or devised to be used) exclusively for educational, literary, scientific, religious, or charitable purposes; property of agricultural associations, cemetery associations, and soldiers' and sailors' memorial associations; property of the American Legion, Young Men's Christian Association, Knights of Columbus, and similar associations; property of fraternal beneficiary associations, college fraternities, and college sororities; historical sites maintained for nonprofit public exhibition; property used exclusively for the purpose of a public library; property owned and used exclusively by the Indiana National Guard or other military organization for armory purposes; bonds and notes issued by any municipality or taxing district of the state for certain purposes; and certain annuities payable by religious or charitable organizations.<sup>299</sup> To obtain such exemptions, sworn statements must be filed with the auditor on or before the 1st day of March each year.<sup>300</sup>

Any Indiana resident owning real estate encumbered by a mortgage may have the amount of the mortgage existing and unpaid on the 1st day of March, not exceeding \$1,000 and not exceeding one-half of the assessed valuation, deducted from the assessed valuation for that year, by filing with the auditor between the 1st day of March and the 1st Monday in May a sworn statement in the form required by law.<sup>301</sup>

---

<sup>299</sup> Acts 1919, 1920 (Spec. Sess.), 1921, 1923, 1937; Burns, 1939 suppl., 64-201; Baldwin, 1937 suppl., 15518.

Property of cities and towns. Acts 1939; Burns, 1939 suppl., 64-221; Baldwin, 1939 suppl., 15518-5. *Opinions of the Attorney General of Indiana, 1939*, p. 62.

Farms operated by colleges and hospitals. *Opinions of the Attorney General of Indiana, 1939*, p. 146.

Bridge across Ohio River. *Ibid.*, p. 294.

Totally disabled soldiers, sailors, marines, and nurses, and the widows of such soldiers, sailors, or marines. Acts 1927; Burns 64-205 to 64-207; Baldwin 10986 to 10988.

<sup>300</sup> Acts 1937; Burns, 1939 suppl., 64-213; Baldwin, 1937 suppl., 15518-2.

<sup>301</sup> Acts 1919, 1939; Burns, 1939 suppl., 64-209 to 64-211; Baldwin, 1939 suppl., 15565 to 15567. *Opinions of the Attorney General of Indiana, 1939*, p. 123. "Mortgage Deductions," *Thirty-Eighth Annual Conference of the State Board of Tax Commissioners and County Assessors of Indiana, January 9, 10, 11, 1939 (1939)*, 64-74.

The county auditor, not later than September 1 each year, apportions the final assessment of real and personal property among the several taxing units of the county and certifies the same to the county, townships, cities, and towns for the purpose of making tax levies based thereon.<sup>302</sup>

The county council, at its annual meeting in August, adopts a budget, establishes the tax rate, and makes tax levies for the succeeding calendar year. The auditor then schedules the rates for the several municipal corporations in the county, verifies the figures and calculations, and reports the levies to the state board of tax commissioners.<sup>303</sup>

Appeal from the action of the county council may be taken to the state board of tax commissioners. That board, after hearing the objections, may affirm or decrease the total tax levy on any item thereof. The decision of the board, which is final and conclusive "with respect to said levies and such parts thereof as may have been in question," is certified to the auditor, and the auditor certifies it to the taxing units interested therein. When the state board orders a reduction in the levy, it indicates the items in the budget affected by such reduction; and this limits the expenditures for the year, except in cases of extraordinary emergency.<sup>304</sup>

The laws discussed in the next four paragraphs do not apply to levies and rates to meet the following liabilities: (a) Funding, refunding, or judgment funding obligations; (b) "outstanding obligations"; (c) judgments; (d) obligations issued to meet emergency growing out of flood, fire, pestilence, war, or other major disaster; (e) obligations issued on petition under this act; (f) requirements of the county welfare fund for public welfare services. It is the duty of the county council to levy an amount sufficient to meet such purposes, regardless of any statutory provisions to the contrary.<sup>305</sup>

---

Under the 1919 act, the owner was not required to be a resident of Indiana in order to obtain a mortgage exemption. Acts 1919; Burns 64-209; Baldwin 15565.

<sup>302</sup> Acts 1919, 1920 (Spec. Sess.); Burns 64-1329; Baldwin 15733.

<sup>303</sup> Acts 1889; Burns 26-516 to 26-520; Baldwin 5380 to 5384. Acts 1920 (Spec. Sess.); Burns 64-1329; Baldwin 15733. Acts 1919; Burns 64-1330; Baldwin 15734. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331, 64-1339; Baldwin, 1935 suppl., 15735, 15737-1.

<sup>304</sup> Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

<sup>305</sup> Acts 1937; Burns, 1939 suppl., 64-312, 64-313; Baldwin, 1937 suppl., 15897-6, 15897-7.

Except on authorization of the state board of tax commissioners, the total tax rate for all purposes cannot exceed \$1.25 on each \$100 of taxable property outside incorporated cities and towns or \$2 on each \$100 of taxable property inside incorporated cities and towns.<sup>306</sup>

At least 2 days before the 2d Monday in September, each municipal corporation<sup>307</sup> of the county files with the county auditor a statement of the tax levies and rates for the ensuing year, fixed by such municipal corporation, and at least two copies of the budgets on which such levies are based.<sup>308</sup> The board of tax adjustment meets on the 2d Monday of September each year. At that meeting the auditor lays before the board these budgets, tax levies, and rates.<sup>309</sup> It is the duty of the board of tax adjustment to examine, revise, change, or reduce (but not increase) any budget, tax levy, or rate, and to hold such budget within the total amount of revenue to be raised therefor from any source whatever. Any changes in budgets must be with respect to the total amounts budgeted for each office, and not the detailed items included in such budgeted classifications. The board of tax adjustment endeavors to keep the rates within the limits above stated. However if it decides that such rates are inadequate, it certifies to the state board of tax commissioners its analysis and recommendations together with such data and facts as may be deemed essential to review. The state board (proceeding according to the provisions governing appeals) then reviews the budgets and may authorize rates beyond the said limits.<sup>310</sup>

If the board of tax adjustment does not complete its duties before October 2, or fails to reduce the aggregate amount of the levies and rates to the statutory limits aforesaid (\$2 per \$100 in cities and towns and \$1.25 per \$100 in other places), then the auditor calculates and fixes the rates, so that the total tax rate on property within any municipal corporation does not exceed said limits, and certifies his action to each municipal corporation before October 6. Appeal to the state board of tax commissioners may be taken

---

<sup>306</sup> Acts 1937; Burns, 1939 suppl., 64-309; Baldwin, 1937 suppl., 15897-3.

<sup>307</sup> The term "municipal corporation" includes counties, townships, cities, towns, school districts, sanitary districts, park districts, and all taxing units within the state. Acts 1937; Burns, 1939 suppl., 64-308; Baldwin, 1937 suppl., 15897-2.

<sup>308</sup> Acts 1937; Burns, 1939 suppl., 64-311; Baldwin, 1937 suppl., 15897-5.

<sup>309</sup> Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

<sup>310</sup> Acts 1937; Burns, 1939 suppl., 64-311; Baldwin, 1937 suppl., 15897-5.



before October 16 by the municipal corporation or by 10 or more taxpayers. On the hearing of such appeals, the state board "may revise, change, or increase" the levy and rate in respect to total amount budgeted by each office or department, and not as to detailed items. The levy and rate must be kept within the limit originally fixed by the municipal corporation. The state board certifies its decision to the county auditor before December 1, if possible. The budget, levy, and rate thereby fixed are final.<sup>311</sup>

After the budget, levy, and rate for each municipal corporation have been finally fixed and determined, as aforesaid, the appropriating body of each municipal corporation allocates the funds to be derived from such levy in such manner that the expenditures for the ensuing year will remain within the limitations as finally fixed in the manner stated in the two preceding paragraphs.<sup>312</sup>

If the county council determines that an emergency exists requiring expenditures for the current year not authorized by the budget as originally established, or as modified by the state board of tax commissioners, the council may make an additional appropriation and levy. The auditor then certifies the matter to the state board, and its decision thereon is final and conclusive.<sup>313</sup>

Between the 1st Monday in July and the last day of December, the auditor makes out and delivers to the treasurer a roll of taxes known and designated as the "tax duplicate." This contains several columns, and shows the names of taxpayers in alphabetical order, lands and improvements, mortgage deductions, corporate stock, personal property, valuations, poll tax, assessments of omitted property, land transfers since the last assessment, and all alterations in the assessment lists made by the board of review or the state board of tax commissioners. He numbers each original township, city, and town in regular progression, as the same shall stand entered on the duplicate, retaining the same number from year to year. On or before January 1 he delivers to the auditor of state a complete abstract of all property listed in each township, city, and town, showing valuations, mortgage deductions, number of polls, the amount of each

<sup>311</sup> Acts 1937; Burns, 1939 suppl., 64-311, 64-314; Baldwin, 1937 suppl., 15897-5, 15897-8.

<sup>312</sup> Acts 1937; Burns, 1939 suppl., 64-315; Baldwin, 1937 suppl., 15897-9.

<sup>313</sup> Acts 1899, 1907, 1913, 1937; Burns, 1939 suppl., 26-521; Baldwin, 1937 suppl., 5385. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

kind of tax, the aggregate thereof in the county, and the rate of each kind assessed. A copy of the abstract is delivered to the treasurer, and another copy is kept by the county auditor.<sup>314</sup>

Property taxes for state, county, township, city, and town purposes are payable to the county treasurer in two equal installments on or before the 1st Monday in May and the 1st Monday in November, respectively, in the year following the year for which the property was assessed. If any installment is not paid when it becomes due, such installment becomes delinquent, and a penalty of 8 percent of such installment is added. An additional penalty of 5 percent is added to any tax for each year the tax remains unpaid after the 1st Monday in November of the year in which the delinquency accrued.<sup>315</sup>

It is the duty of the county treasurer to collect all such property taxes after they become delinquent. He may levy on personal property at any time after the tax becomes delinquent, or before delinquency if he has good reason to believe the taxpayer is about to leave the county without payment, and sell the same after 10-days' notice of the time and place of sale. Suit in the name of the treasurer may be brought by the prosecuting attorney to collect taxes. Real estate may be sold at a tax sale, on the 2d Monday in April, after advertisement, but not until 15 months have elapsed since delinquency. The purchaser of real estate at a tax sale receives from the auditor a tax certificate which describes the realty, states the amount paid by the purchaser, and states when a tax deed (to be executed by the auditor) may be obtained by the holder of the certificate.<sup>316</sup>

---

<sup>314</sup> Acts 1919; Burns 64-1403, 64-1408; Baldwin 15740, 15745.

<sup>315</sup> Acts 1919; Burns 64-1502; Baldwin 15748. Acts 1932 (Spec. Sess.); Burns 64-1508; Baldwin 15751. Acts 1935; Burns, 1939 suppl., 64-1542, 64-1544; Baldwin, 1935 suppl., 15765-1, 15765-3.

<sup>316</sup> Acts 1932 (Spec. Sess.); Burns 64-1509, 64-1511; Baldwin 15752, 15754. Acts 1919, 1931; Burns 64-1518, 64-1701 to 64-1705, 64-2001, 64-2201, 64-2203 to 64-2211; Baldwin 15772, 15778 to 15782, 15794, 15806, 15808 to 15818. Acts 1919, 1931, 1937; Burns, 1939 suppl., 64-2202; Baldwin, 1937 suppl., 15807.

If a delinquent taxpayer has in the county personalty which is liable to pay his taxes, he may enjoin the sale of his realty for such delinquent taxes until such personalty is exhausted. *Bland v. Union Cent. Life Ins. Co.* (1935), 209 Ind. 84, 138 N. E. 78; *Weaver v. Kauffman* (1914), 57 Ind. App. 59, 106 N. E. 398.

"Taxes are not a lien upon personal property. They are the personal obligation of the taxpayer, and become a lien only when the property is levied upon. The lien created by the

The owner or occupant of any land sold for taxes, or any other person having an interest therein, may redeem the same at any time within 2 years after the sale and at any time thereafter before a tax deed is issued. Such deed may be issued by the auditor at any time between 2 and 4 years after the tax sale. The redeemer must pay to the treasurer the amount of the taxes, penalties, and interest for which the property was sold (as shown in the tax certificate), plus a penalty based on a percentage of such amount (10 percent if redeemed within 6 months after the sale, 15 percent if redeemed 6 months to 1 year after the sale, or 25 percent if redeemed more than 1 year after the sale), plus the cost of the tax sale, plus any subsequent taxes paid by the certificate holder, plus interest on such subsequent taxes at the rate of 6 percent per annum. No interest on such subsequent taxes can accrue later than 2½ years after the tax sale. The money so received by the treasurer is paid by him to the holder of the redeemed tax certificate.<sup>317</sup>

Ordinarily real estate cannot be sold at a tax sale for less than the amount of the taxes under which the sale is made, plus penalties, interest, and the pro rata share of costs of sale, and such sale is made subject to all other taxes. Where real estate has been twice offered for sale at separate public tax sales and no sufficient bid as aforesaid has been made, the property will be sold at a later public tax sale to the highest bidder for cash (without minimum limitation); and in such case where the aggregate amount of all delinquent taxes equals or exceeds the last assessed valuation of the real estate, the successful purchaser is entitled to receive immediately a tax deed conveying the property free and clear of all taxes which became delinquent at least 15 months before the last sale.<sup>318</sup>

-----  
levy is like the lien created by a levy upon execution. It is junior and inferior to prior existing liens." Held that a purchaser of personalty at a tax sale took title subject to a chattel mortgage recorded before the seizure to satisfy the tax. *Voigt v. Ludlow Typograph Co.* (1938), 213 Ind. 329, 12 N. E. (2d) 499.

<sup>317</sup> Acts 1919, 1931; Burns 64-2301, 64-2401, 64-2403; Baldwin 15819, 15832, 15811. Interview of January 22, 1940 with E. P. Brennan, state examiner.

Infants, idiots, and insane persons may redeem their lands within 2 years after expiration of disability. Acts 1919; Burns 64-2302; Baldwin 15820.

<sup>318</sup> Acts 1932 (Spec. Sess.); Burns 64-1509; Baldwin 15752. Acts 1919; Burns 64-1516, 64-2204; Baldwin 15759, 15809. Acts 1919, 1931, 1937; Burns, 1939 suppl., 64-2202; Baldwin, 1937 suppl., 15807. *Opinions of the Attorney General of Indiana, 1938*, p. 255; *1939*, p. 211.

## EXCISE TAXES AND LICENSING

The tax on financial institutions is an excise tax<sup>319</sup> (in lieu of all other taxes) on banks, trust companies, and building and loan associations. It is administered by the county auditor and treasurer under the supervision of the state board of tax commissioners.<sup>320</sup>

The inheritance tax is an excise tax administered by the county assessor and treasurer, under the supervision of the state board of tax commissioners, and by the circuit court. A schedule must be filed with the court within 12 months after the decedent's death. Notice is given to the interested parties, the estate is appraised, and the court determines the amount of tax due. The court appoints the county assessor to act as the appraiser in every estate; and he appraises all property at the fair market value, as of the date of the transfer.<sup>321</sup> The appraiser makes his report in duplicate, one copy to the court and one to the state board of tax commissioners.<sup>322</sup> The treasurer collects the tax and issues a receipt in duplicate, one copy of which is sent to the state board; and no final accounting of an estate is made until such receipt is countersigned by that board.<sup>323</sup> The county treasurer must report quarterly to the auditor of state all inheritance taxes received by him. All such collected taxes are transmitted by the county treasurer, through a warrant issued by the county auditor, to the treasurer of state.<sup>324</sup> When directed by the court to do so, the prosecuting attorney sues to collect the tax.<sup>325</sup>

The intangible tax<sup>326</sup> is a stamp tax on notes, stocks, bonds, and other evidence of property interests or obligations

<sup>319</sup> Lutz v. Arnold (1935), 208 Ind. 480, 193 N. E. 840.

<sup>320</sup> Acts 1933; Burns 64-801 to 64-834; Baldwin 15582 to 15615. *Opinions of the Attorney General of Indiana, 1939*, p. 252.

<sup>321</sup> Acts 1931, 1933; Burns 6-2408; Baldwin 15946. Acts 1931, 1933, 1937; Burns, 1939 suppl., 6-2407; Baldwin, 1937 suppl., 15945. *Opinions of the Attorney General of Indiana, 1939*, p. 326. "Inheritance Tax," *Thirty-Ninth Annual Conference of the State Board of Tax Commissioners and County Assessors of Indiana, December 20, 21, 22, 1929, (1940)*, 32-39.

<sup>322</sup> Acts 1931; Burns 6-2410; Baldwin 15948.

<sup>323</sup> Acts 1931; Burns 6-2413; Baldwin 15951.

<sup>324</sup> Acts 1931; Burns 6-2414; Baldwin 15952.

Refunds of inheritance taxes. *Opinions of the Attorney General of Indiana, 1939*, p. 68.

<sup>325</sup> Acts 1931; Burns 6-2415; Baldwin 15953.

<sup>326</sup> The intangible tax is an excise tax. Lutz v. Arnold (1935), 208 Ind. 480, 193 N. E.



for payment of money. This tax is administered by the county assessor<sup>327</sup> and treasurer, under the supervision of the state board of tax commissioners. Stamps are issued by the state board and sold by the county treasurer.<sup>328</sup> The taxpayer is required to file with his tangible personal property schedule an affidavit showing that he has complied with the intangible tax law.<sup>329</sup> If the tax is not paid when due, it is entered on the tax duplicate of the county where the taxpayer resides or his property is located. Omitted property may be assessed by any officer of the county having authority under the general taxing laws to assess omitted property or by the state board of tax commissioners.<sup>330</sup> In case of nonpayment, suit for collection may be brought by the prosecuting attorney or the attorney general.<sup>331</sup>

The excise tax on dogs and dog kennels is administered by the township assessors and the county auditor. After making assessment of personal property for property taxes each township assessor makes inquiry concerning dogs and kennels, collects the excise tax thereon for the ensuing year, and issues licenses and receipts. The county auditor collects the tax and issues licenses and receipts if the township assessor fails to do so.<sup>332</sup> The money so collected constitutes a fund known as the "dog fund," which is used to pay for damage to or loss of livestock caused by dogs or rabies. Dog funds exceeding \$100, over and above all warrants drawn on the same, in any township on the 1st Monday in March are transferred on the following Monday to townships in which the dog fund is less than the warrants drawn thereon.<sup>333</sup>

Th clerk of the circuit court issues licenses for mar-

---

<sup>327</sup> Acts 1933; Burns 64-917; Baldwin 15915. Acts 1933, 1935; Burns, 1939 suppl., 64-906; Baldwin, 1935 suppl., 15904. "Valuation of Intangibles," *Thirty-Ninth Annual Conference of the State Board of Tax Commissioners and County Assessors of Indiana, December 20, 21, 22, 1939 (1940)*, 39-53.

Mortgage which does not create a personal liability is subject to intangible tax. *Opinions of the Attorney General of Indiana, 1939*, p. 222.

<sup>328</sup> Acts 1933; Burns 64-924, 64-927; Baldwin 15922, 15925.

<sup>329</sup> Acts 1933; Burns 64-918; Baldwin 15916.

<sup>330</sup> Acts 1933, 1935; Burns, 1939 suppl., 64-915; Baldwin, 1935 suppl., 15913.

<sup>331</sup> Acts 1933; Burns 64-921; Baldwin 15919.

<sup>332</sup> Acts 1937; Burns, 1939 suppl., 16-317; Baldwin, 1937 suppl., 3811-1.

<sup>333</sup> Acts 1937; Burns, 1939 suppl., 16-324 to 16-326; Baldwin, 1937 suppl., 3811-8 to 3811-10.

Dog tax is for protection of property, not to provide revenue for public purposes. Excess funds in the county must be paid to the auditor of state in accordance with the 1937 law, not to schools under the 1929 law. *Finerty v. State ex rel. School City of Gary* (1938), 213 Ind. 470, 12 N. E. (2d) 941.

riages,<sup>334</sup> physicians, surgeons,<sup>335</sup> midwives,<sup>336</sup> osteopaths,<sup>337</sup> chiropractors, drugless healers,<sup>338</sup> dentists,<sup>339</sup> optometrists,<sup>340</sup> hunting, trapping, fishing,<sup>341</sup> poultry dealers,<sup>342</sup> and junk dealers.<sup>342</sup> He registers certificates of trained nurses.<sup>344</sup> Formerly he issued liquor licenses,<sup>345</sup> brokers' licenses,<sup>346</sup> licenses for veterinarians,<sup>347</sup> stal-

---

<sup>334</sup> Rev. Stat. 1838, ch. 68, sec. 3. Rev. Stat. 1843, ch. 35, secs. 8, 9, 12. 1 Rev. Stat. 1852, Acts 1939; Burns, 1939 suppl., 44-201; Baldwin, 1939 suppl., 5622.

The judge of the circuit court may waive certain provisions of the law requiring laboratory tests and medical certificates. Acts 1939; Burns, 1939 suppl., 44-213; Baldwin, 1939 suppl., 5624-1.

Injunction to prevent illegal issuance of license. Sweigart v. State (1938), 213 Ind. 157, 12 N. E. (2d) 134.

Common law marriage. Young v. General Baking Co. (1938), 104 Ind. App. 658, 12 N. E. (2d) 1016.

Ratification of void ceremonial marriage by living together after removal of disability of party. Eddington v. Eddington (1938), 213 Ind. 347, 12 N. E. (2d) 758.

<sup>335</sup> Acts 1881, ch. 19, secs. 10, 11. Acts 1885 (Spec. Sess.), ch. 77, sec. 2 (repealed by Acts 1897, ch. 169, sec. 10). Acts 1897; Burns 63-1303; Baldwin 10705.

<sup>336</sup> Acts 1897; Burns 63-1309; Baldwin 10709.

<sup>337</sup> Acts 1901; Burns 63-1316; Baldwin 10716.

<sup>338</sup> Acts 1927; Burns 63-1312; Baldwin 10713.

<sup>339</sup> Acts 1899, ch. 211, secs. 5, 7 to 11. Acts 1913, 1931, 1935; Burns, 1939 suppl., 63-504; Baldwin, 1935 suppl., 5589. Acts 1913, 1931; Burns 63-506, 63-507; Baldwin 5591, 5592.

<sup>340</sup> Acts 1907; Burns 63-1009; Baldwin 13180. Acts 1907, 1935; Burns, 1939 suppl., 63-1010, 63-1011; Baldwin, 1935 suppl., 13181, 13182.

<sup>341</sup> Acts 1901, ch. 203, sec. 13. Acts 1907, ch. 216, sec. 9. Acts 1911, ch. 286, secs. 1, 2. Acts 1927, 1933; Burns 11-302, 11-310; Baldwin 8302, 8309. Acts 1937; Burns, 1939 suppl., 11-1403; Baldwin, 1937 suppl., 8229-3.

The cited sections of the Acts of 1901, 1911, 1927, and 1933 were repealed by Acts 1937, ch. 21, sec. 161.

<sup>342</sup> Acts 1917, 1929, 1932; (Spec. Sess.); Burns 42-802; Baldwin 10486.

<sup>343</sup> Acts 1905; Burns 42-703; Baldwin 10462.

<sup>344</sup> Acts 1905, 1913, 1931; Burns 63-903; Baldwin 13036.

<sup>345</sup> This duty existed from the organization of the county until 1841 and from 1917 to 1933. Acts 1816-17, ch. 15, sec. 6. Acts 1817-18 (general), ch. 47, secs. 1, 2. Acts 1820-21, ch. 36, secs. 1, 2. Rev. Laws 1824, ch. 15, sec. 5; ch. 16, sec. 6. Rev. Laws 1831, ch. 20, sec. 6. Rev. Stat. 1838, ch. 21, sec. 6; ch. 105, secs. 1-10. Acts 1840-41 (general), ch. 2, secs. 8, 54. Acts 1917, ch. 4, secs. 6, 7, 12. Acts 1925, ch. 48, secs. 10, 11. Acts 1933, ch. 79, sec. 1.

<sup>346</sup> Acts 1840-41 (general), ch. 5, sec. 18.

<sup>347</sup> Acts 1901, ch. 189, sec. 7 (repealed by Acts 1905, ch. 93, sec. 17).

lions,<sup>348</sup> and petty money lenders,<sup>349</sup> and kept a register of certificates of agents of foreign insurance companies.<sup>350</sup>

The judge of the circuit court has authority to issue licenses to carry pistols. When the judge grants an application for such license, he usually orders the clerk of the circuit court to issue the license; and in issuing such licenses the clerk acts for the judge.<sup>351</sup> The sheriff issues licenses for the retail sale of pistols.<sup>352</sup>

The county auditor issues licenses for peddlers, shows, theaters,<sup>353</sup> transient merchants,<sup>354</sup> public warehouses,<sup>355</sup> and ferries.<sup>356</sup> He issued liquor licenses before 1917.<sup>357</sup>

<sup>348</sup> Acts 1889, ch. 116, sec. 1 (superseded by Acts 1913, ch. 28, creating the stallion enrollment board).

<sup>349</sup> Acts 1913, ch. 167, secs. 1-4 (repealed by Acts 1917, ch. 125, sec. 6).

<sup>350</sup> Acts 1901, ch. 180, sec. 1. Acts 1903, ch. 66, sec. 1. Acts 1865, 1877, 1899; Burns 39-1701; Baldwin 9567. All of these laws were repealed by Acts 1935, ch. 162, sec. 276.

<sup>351</sup> Acts 1913, ch. 167, sec. 1 (repealed by Acts 1917, ch. 125, sec. 6). Acts 1925, 1929; Burns 10-4721, 10-4723, 10-4725; Baldwin 2557, 2559, 2561 (all repealed by Acts 1935, ch. 63, sec. 21). Acts 1935, 1937; Burns, 1939 suppl., 10-4738; Baldwin, 1937 suppl., 2569-5. *Opinions of the Attorney General of Indiana, 1937*, p. 242.

<sup>352</sup> Acts 1935, 1937; Burns, 1939 suppl., 10-4742; Baldwin, 1937 suppl., 2569-9.

Forms for these licenses are prescribed by the superintendent of the state police. *Ibid.*

<sup>353</sup> Acts 1917, 1937; Burns, 1939 suppl., 42-201; Baldwin, 1937 suppl., 10443. 1 Rev. Stat. 1852; Burns 42-204; Baldwin 10447. Acts 1901; Burns 42-502, 42-503; Baldwin 10470-1, 10471. Acts 1895; Burns 42-510; Baldwin 10478.

<sup>354</sup> Acts 1901; Burns 42-402; Baldwin 10491.

The auditor keeps a record of such licenses in a book provided for that purpose, and it is open for public inspection. *Ibid.*

<sup>355</sup> Acts 1875, 1879 (Spec. Sess.); Burns 67-201; Baldwin 16205.

<sup>356</sup> Rev. Stat. 1838, ch. 41, secs. 1-4, 8, 11. Acts 1840-41 (general), ch. 2, secs. 8, 54. Rev. Stat. 1843, ch. 7, secs. 5, 16, 17, 53; ch. 17, secs. 1-23. 1 Rev. Stat. 1852; Burns 26-611, 26-621, 49-3004; Baldwin 5226, 5238, 5418. Acts 1881 (Spec. Sess.), 1911; Burns 36-2501 to 36-2504; Baldwin 7676 to 7679. 1 Rev. Stat. 1852, Acts 1855; Burns 36-2601 to 36-2607; Baldwin 7691 to 7697. Acts 1881 (Spec. Sess.), 1897; Burns 36-2608 to 36-2618; Baldwin 7698 to 7708. Acts 1917, 1937; Burns, 1939 suppl., 42-201; Baldwin, 1937 suppl., 10443.

<sup>357</sup> Rev. Stat. 1838, ch. 105, secs. 1-10. Acts 1840-41 (general), ch. 2, secs. 8, 54. Rev. Stat. 1843, ch. 59, sec. 15. 1 Rev. Stat. 1852, ch. 8, sec. 3; ch. 20, secs. 7, 14; ch. 92, sec. 1. Acts 1853, ch. 66, secs. 1-4. Acts 1855, ch. 105, secs. 4-8; ch. 106, secs. 1, 2. Acts 1858 (Spec. Sess.), ch. 15. Acts 1859, ch. 130, secs. 1-7. Acts 1873, ch. 59, secs. 1-5, 20. Acts 1875 (Spec. Sess.), ch. 13, secs. 1-9, 21. Acts 1895, ch. 127, secs. 1, 8-10. Acts 1897, ch. 167, secs. 1-3. Acts 1905, ch. 6, sec. 1. Acts 1911, ch. 119, secs. 3-8, 16, 28; ch. 148, secs. 1, 2, 7-9, 11. Acts 1915, ch. 10, sec. 1. Acts 1917, ch. 4, secs. 4, 40.

The board of commissioners authorizes the issuance of ferry licenses,<sup>358</sup> and before 1917 authorized the issuance of liquor licenses.<sup>359</sup>

## FEES

The laws provide for the charging of fees by various county officials. Salaried officials cannot disburse their fees for office expense, or retain the fees or interest thereon as compensation, unless a statute enacted since 1932 specifically authorizes them to do so.<sup>360</sup> Such fees must be paid into the county treasury. An officer cannot draw any salary while illegally withholding fees.<sup>360</sup>

County officials may charge and collect only such fees as are allowed by statute.<sup>361</sup> If an officer collects illegal fees, the county cannot recover them from him, since they belong to the person paying the same.<sup>362</sup> If the officer unlawfully refuses to pay over fees collected by him, an action lies on his bond;<sup>363</sup> and if he pays over fees which he is entitled to retain, he may sue to recover the same.<sup>364</sup>

All officers are required to keep complete records of all

<sup>358</sup> Acts 1807, ch. 33 (misnumbered 31), secs. 1, 6; ch. 51, sec. 14. Acts 1816-17, ch. 29, sec. 2. Rev. Stat. 1838, ch. 41, secs. 1-4, 8, 11. Rev. Stat. 1843, ch. 17, secs. 1-23. Acts 1881 (Spec. Sess.), 1911; Burns 36-2501 to 36-2504; Baldwin 7676 to 7679. 1 Rev. Stat. 1852, Acts 1855; Burns 36-2601 to 36-2607; Baldwin 7691 to 7697. Acts 1881 (Spec. Sess.), 1897; Burns 36-2608 to 36-2618; Baldwin 7698 to 7708. Acts 1917, 1937; Burns, 1939 suppl., 42-201; Baldwin, 1937 suppl., 10443.

<sup>359</sup> Acts 1807, ch. 17, secs. 1, 4. Acts 1813, ch. 3, sec. 2. Acts 1817-18 (general), ch. 47, secs. 1, 2. Rev. Stat. 1838, ch. 105, secs. 1-10. Rev. Stat. 1843, ch. 59, sec. 15. 1 Rev. Stat. 1852, ch. 92, sec. 1. Acts 1853, ch. 66, sec. 8. Acts 1855, ch. 105, secs. 4-8; ch. 106, sec. 4. Acts 1858 (Spec. Sess.), ch. 15. Acts 1859, ch. 130, secs. 1-7. Acts 1873, ch. 59, secs. 1-5, 20. Acts 1875 (Spec. Sess.), ch. 13, secs. 1-9, 21. Acts 1895, ch. 127, secs. 1, 8-10. Acts 1897, ch. 167, secs. 1-3. Acts 1905, ch. 6, sec. 1. Acts 1911, ch. 119, secs. 3-8, 16, 28; ch. 148, secs. 1, 2, 7-9, 11. Acts 1915, ch. 10, sec. 1. Acts 1917, ch. 4, secs. 4, 40.

<sup>360</sup> Acts 1933; Burns 49-1001, 49-1005; Baldwin 7531, 7535. Acts 1895; Burns 49-1410; Baldwin 7585. *Keifer v. Summers* (1894), 137 Ind. 106, 35 N. E. 1103; *Applegate v. State ex rel. Pettijohn* (1933), 205 Ind. 122, 185 N. E. 911; *Board of County Comrs. v. Lewis* (1924), 81 Ind. App. 601, 144 N. E. 623.

<sup>361</sup> *Noble v. Board of County Comrs.* (1885), 101 Ind. 127; *Legler v. Paine* (1896), 147 Ind. 181, 45 N. E. 604.

<sup>362</sup> *State ex rel. Board of County Comrs. v. Williams* (1906), 39 Ind. App. 376, 77 N. E. 1137.

<sup>363</sup> Acts 1883; Burns 49-142; Baldwin 13094. *Workman v. State ex rel. Board of County Comrs.* (1905), 165 Ind. 42, 73 N. E. 917.

<sup>364</sup> *Board of County Comrs. v. Crone* (1905), 36 Ind. App. 283 75 N. E. 826.



fees received from any source whatever. Such records are subject to public inspection at any time, and must be examined by the board of commissioners at their meetings.<sup>365</sup>

The clerk of the circuit court, treasurer, sheriff, and recorder must make reports of fees to the auditor quarterly and at the expiration of their terms of office. The treasurer also makes a monthly report of fees to the auditor.<sup>366</sup> The clerk of the circuit court annually delivers to the auditor a list of all fines and jury fees collected during the preceding year, and also a list of all fees in his hands which have remained unclaimed for 2 years. The auditor enters such lists in the order book (commonly called the "Commissioners' Record") of the board of commissioners and issues a quietus for the items of such lists which have been paid over to the county treasurer.<sup>367</sup>

#### FUNDS RECEIVED FROM THE STATE

The counties receive from the state a portion of the funds in the motor vehicle highway account of the state. This account is composed of excise taxes on motor vehicle fuel, motor vehicles, operators, and chauffeurs.<sup>368</sup> The portion allotted to the counties is distributed on the basis of vehicular miles of county roads in each county as compared with the total in all counties. The 1937 law recites that there are 40,564 miles in Monroe County and 4,536,856 miles in all of the counties, but provision is made for a recount by the state highway commission and a change in allocation based thereon.<sup>369</sup> Such funds are used by the county for construction and maintenance of county roads; and 20 percent of such funds may be used to pay off outstanding county unit road bonds.<sup>370</sup>

The counties receive from the state a portion of the license fees on liquor dealers. Distribution of such portion

<sup>365</sup> Acts 1895; Burns 49-1401, 49-1409; Baldwin 7576, 7584. Acts 1879 (Spec. Sess.); Burns 49-2723; Baldwin 1443. Acts 1909; Burns 60-213; Baldwin 13864.

<sup>366</sup> Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577. 2 Rev. Stat. 1852, Acts 1891; Burns 49-2710; Baldwin 1437. Acts 1919; Burns 64-2101; Baldwin 15802.

<sup>367</sup> Acts 1841-42 (general), ch. 45, sec. 3. 2 Rev. Stat. 1852, Acts 1891; Burns 49-2710; Baldwin 1437.

<sup>368</sup> Acts 1937; Burns, 1939 suppl., 36-2801; Baldwin, 1937 suppl., 86-951.

<sup>369</sup> Acts 1937; Burns, 1939 suppl., 36-2606; Baldwin, 1937 suppl., 8695-8.

<sup>370</sup> Acts 1937, 1939; Burns, 1939 suppl., 36-2604 to 36-2606; Baldwin, 1939 suppl., 8695-4; Baldwin, 1937 suppl., 8595-5, 8695-6.

among the counties is based on the amount paid in for licenses with respect to dealers' premises located outside cities and towns in each county, as compared with the total for such areas in all counties.<sup>371</sup>

Each county receives from the state, as reimbursement, about 81 percent of the money spent by the county for welfare assistance.<sup>372</sup>

The counties receive a portion of the intangible tax. Distribution of such portion among the counties is based on the assessed valuation of the real property in each county, as compared to the total in all counties. One-fourth of the amount received by the county goes into the general fund of the county; and the remainder goes to the school funds of the township, city, and town taxing units within the county, on a basis of valuation of the real property in each unit.<sup>373</sup> School funds are discussed hereinafter under the heading "Education."

#### CLAIMS AND ALLOWANCES

Claims against the county, duly itemized and verified, in writing on forms furnished by the board of commissioners, may be filed with the auditor, who places them on the claim docket and thereafter presents them to the board for decision. At a regular or special session of the board of commissioners, beginning at least 5 days after the docketing of the claim and 3 days after publication of notice by the auditor, the commissioners must examine the merits of the claim and may, in their discretion, allow it, in whole or in part, as they find it to be just and owing.<sup>374</sup> The board cannot allow a claim that it previously disallowed.<sup>375</sup>

A claim for materials and supplies will not be allowed unless accompanied by a certificate of the auditor showing that the goods mentioned in the claim correspond in quality and prices with the contract.<sup>376</sup> A claim on a contract for

---

<sup>371</sup> Acts 1935, 1937, 1939; Burns, 1939 suppl., 12-505, 12-811; Baldwin, 1939 suppl., 3764-7, 3764-40(f).

<sup>372</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1405, 52-1412; Baldwin, 1937 suppl., 14078-117, 14078-124. Interview of March 31, 1939 with Frank G. Thompson, auditor of state.

<sup>373</sup> Acts 1933; Burns 64-922; Baldwin 15920.

<sup>374</sup> Acts 1899; Burns 26-533, 26-804; Baldwin 5403, 5256. Acts 1879 (Spec. Sess.); Burns 26-805, 26-807; Baldwin 5256. Acts 1897; Burns 26-806, 26-809; Baldwin 5260, 5257. Acts 1931; Burns 26-816 to 26-819; Baldwin 5268 to 5271.

<sup>375</sup> Myers v. Gibson (1899), 152 Ind. 500, 53 N. E. 646.

<sup>376</sup> Acts 1899; Burns 26-538; Baldwin 5403.

work to be conducted under the supervision of the county surveyor, or any architect, engineer, superintendent, or inspector appointed by the board of commissioners, must be accompanied by a certificate of the surveyor or such agent, showing that the work therein mentioned was performed according to contract and that the amount claimed is due and owing by the terms of the contract.<sup>377</sup> A claim based on a judgment or order of a court must be accompanied by a certified copy of such judgment or order.<sup>378</sup>

For the amount allowed by the board of commissioners, the auditor, after appropriation by the county council, issues a warrant which is countersigned by the treasurer and paid by the treasurer or a public depository designated thereon by him.<sup>379</sup> An allowance not called for within 5 years may be canceled.<sup>380</sup> Preference in payment is given to claims for money advanced by any county officer for the use of the county pursuant to provisions of law or of any order of the board.<sup>381</sup> However, no allowance can be made by the board of commissioners to one of its members for articles furnished by him to the county under a contract or otherwise.<sup>382</sup>

Any person feeling aggrieved by any decision of the board on any claim may appeal to the circuit court. In case of disallowance in whole or in part, the claimant may appeal as aforesaid or bring an independent suit against the board. The claimant must pay the costs of the appeal if he does not recover more on the appeal than was allowed by the board.<sup>383</sup> No complaint other than the claim (including certificates and exhibits, if any) presented to the board is required on appeal.<sup>384</sup> If the board allows only a part of the claim, and the claimant accepts payment of the amount allowed, he cannot bring suit for the remainder.<sup>385</sup>

In pursuance of appropriations by the county council,<sup>386</sup>

---

<sup>377</sup> Acts 1899; Burns 26-539; Baldwin 5404.

<sup>378</sup> Acts 1911; Burns 26-814; Baldwin 5265.

<sup>379</sup> Acts 1911; Burns 26-813, 26-814; Baldwin 5264, 5265, Acts 1937; Burns, 1939 suppl., 61-627; Baldwin, 1937 suppl., 13844-48.

<sup>380</sup> Acts 1879 (Spec. Sess.); Burns 26-815; Baldwin 5273.

<sup>381</sup> 1 Rev. Stat. 1852; Burns 26-802; Baldwin 5252.

<sup>382</sup> Waymire v. Powell (1886), 105 Ind. 328, 4 N. E. 886.

<sup>383</sup> Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275.

<sup>384</sup> Board of County Comrs. v. Wertz (1887), 112 Ind. 268, 13 N. E. 874.

<sup>385</sup> Western Constr. Co. v. Board of County Comrs. (1912), 178 Ind. 684, 98 N. E. 347.

<sup>386</sup> Acts 1899; Burns 26-515, 26-527; Baldwin 5379, 5391.

the judge of the circuit court may make allowances against the county for expense of administration of justice.<sup>387</sup> Such allowances include compensation of witnesses,<sup>388</sup> jurors,<sup>389</sup> master commissioners,<sup>390</sup> sheriff,<sup>391</sup> bailiffs,<sup>392</sup> court reporter,<sup>393</sup> page,<sup>394</sup> and attorneys appointed to represent poor persons.<sup>395</sup>

Within 10 days after adjournment of the session of the board of commissioners or of the circuit court, at which allowances against the county are made, the auditor publishes notice showing all allowances made by the board or court. A warrant on an allowance by a court cannot be issued until 3 days after such publication.<sup>396</sup>

#### CUSTODY AND DISBURSEMENT OF FUNDS

The treasurer receives all money coming to the county, and disburses it on proper warrants (formerly called orders) issued by the auditor and countersigned by the treasurer.<sup>397</sup>

The board of finance has supervision of all public funds of the county and of the safekeeping and deposit thereof.<sup>398</sup> The board designates depositories for public funds, after inviting and receiving proposals from banks and trust companies. The commission of a depository may be revoked by the board

<sup>387</sup> Acts 1879 (Spec. Sess.); Burns 49-1432, 49-1434; Baldwin 13127, 13128.

Change of venue from county. Acts 1905; Burns 9-1312 to 9-1315; Baldwin 2233 to 2236.

Blank books and stationery. 2 Rev. Stat. 1852; Burns 49-2709; Baldwin 1436.

<sup>388</sup> 1 Rev. Stat. 1852; Burns 9-2408; Baldwin 1306.

<sup>389</sup> Acts 1881 (Spec. Sess.), 1913, 1927, 1933; Burns 4-3319; Baldwin 1277.

<sup>390</sup> Acts 1881 (Spec. Sess.), 1903; Burns 4-3407; Baldwin 1286.

<sup>391</sup> Acts 1895, 1905, 1915, 1919; Burns 49-1311; Baldwin 7570.

Change of venue from county. Acts 1905; Burns 9-1315; Baldwin 2236.

<sup>392</sup> Acts 1921, 1935; Burns, 1939 suppl., 4-3107; Baldwin, 1935 suppl., 1256. Acts 1895, 1905, 1915, 1919; Burns 49-1311; Baldwin 7570. 2 Rev. Stat. 1852; Burns 49-2804; Baldwin 5496. *Opinions of the Attorney General of Indiana*, 1939, p. 312.

<sup>393</sup> Acts 1921, 1939; Burns, 1939 suppl., 4-3507; Baldwin, 1939 suppl., 1298-1. Acts 1893; Burns 4-3511; Baldwin 1300.

<sup>394</sup> *Opinions of the Attorney General of Indiana*, 1939, p. 312.

<sup>395</sup> Acts 1881 (Spec. Sess.); Burns 2-211, 2-212; Baldwin 26, 27. Acts 1905; Burns 9-1314; Baldwin 2235. *Opinions of the Attorney General of Indiana*, 1939, p. 351.

<sup>396</sup> Acts 1899; Burns 26-816; Baldwin 5268. Acts 1931; Burns 26-817; Baldwin 5269.

<sup>397</sup> Acts 1899, 1935; Burns, 1939 suppl., 26-522; Baldwin, 1935 suppl., 5386. 1 Rev. Stat. 1852; Burns 49-3103; Baldwin 5550. Acts 1937; Burns, 1939 suppl., 61-627; Baldwin, 1937 suppl., 18844-48.

<sup>398</sup> Acts 1937; Burns, 1939 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.



at any time.<sup>399</sup> The resignation of a depository becomes effective 30 days after notice thereof to the board.<sup>400</sup> Monthly statements are furnished by the depository to the board on or before the 5th day of each month, and are preserved in the office of the board.<sup>401</sup> All public funds paid into the county treasury must be deposited by the treasurer daily, in the name of the county, in one or more of such designated depositories. On or before the 5th day of each month, the treasurer must file with the secretary of the board a statement of the balance of funds at the end of the previous month, consistent with the statement furnished by the depository.<sup>402</sup> The treasurer deposits quarterly with the auditor all redeemed warrants.<sup>403</sup>

When the auditor draws a warrant, he charges it against the appropriation and particular fund under which it was drawn. Apportionment is made if more than one fund or appropriation is involved.<sup>404</sup> Records of the warrants are kept in the manner prescribed by the state board of accounts. Formerly the number, date, amount, name of payee, and purpose of the warrant were entered in a book as prescribed by statute.<sup>405</sup> The auditor examines and settles all accounts and demands chargeable against the county which no law requires to be settled and allowed by some other tribunal or person.<sup>406</sup> Before issuing a warrant or quietus, the auditor must examine the account to ascertain whether it is correct and in proper form; and for this purpose may require the furnishing of information, vouchers, and exhibits sufficient to satisfy himself.<sup>407</sup>

On claims (including claims on judgments) allowed by the board of commissioners, and on allowances made by courts for the cost of administration of justice, the auditor issues his

<sup>399</sup> Acts 1937; Burns, 1939 suppl., 61-634 to 61-636; Baldwin, 1937 suppl., 13844-55 to 13844-57.

<sup>400</sup> Acts 1937; Burns, 1939 suppl., 61-640; Baldwin, 1937 suppl., 13844-61.

<sup>401</sup> Acts 1937; Burns, 1939 suppl., 61-638; Baldwin, 1937 suppl., 13844-59.

<sup>402</sup> Acts 1937; Burns, 1939 suppl., 61-624; Baldwin, 1937 suppl., 13844-45.

Defunct depositories. *Opinions of the Attorney General of Indiana, 1939*, p. 247.

<sup>403</sup> 1 Rev. Stat. 1852; Burns 49-3114; Baldwin 5561. Interview of May 13, 1939 with E. P.

Brennan, state examiner.

<sup>404</sup> Acts 1899; Burns 26-544; Baldwin 5409.

<sup>405</sup> 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419. Acts 1909; Burns 60-202; Baldwin

13855. Interview of August 15, 1939 with E. P. Brennan, state examiner.

<sup>406</sup> 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419.

<sup>407</sup> Acts 1909; Burns 60-215; Baldwin 13866.

warrant. But a warrant may be issued to pay a judgment, or for expenses of insanity inquests or management of the school funds, or for salaries or other liabilities for specific amounts fixed by law, when no allowance has been made as aforesaid.<sup>408</sup> Warrants not called for within 5 years after the allowance of the claims on which they were drawn may be canceled by the board of commissioners, if not called for after publication of notice.<sup>409</sup>

Warrants drawn by the auditor on the treasurer must be accompanied by a carbon copy thereof, except in case of state and township funds. If funds are available to pay the warrant, the treasurer, on presentation to him, detaches and retains the carbon copy, and countersigns the original and stamps thereon the name of the depository by which it is payable. The original warrant is delivered to the payee, and the amount thereof is paid to the payee by the depository on presentation and surrender of the warrant. For the convenience of the payee, the treasurer may pay cash to the holder, on taking an assignment of the warrant, in which event such warrant will be deposited by the treasurer in the depository in lieu of cash.<sup>410</sup> The treasurer must deduct any delinquent taxes owing by the payee.<sup>411</sup> If no funds are available to pay the warrant, the treasurer endorses thereon the words "not paid for want of funds" and the date of such presentment; and thereafter the warrant draws legal interest. Interest ceases when funds become available for payment and the treasurer or auditor publishes a call for redemption.<sup>412</sup> Outstanding warrants are redeemed by the treasurer according to priority of time of presentment. Such warrants must be received in payment of county taxes without regard to such priority.<sup>413</sup> When the treasurer redeems a warrant on which interest is due, he makes a notation thereon, and also in his account, showing the amount of interest paid.<sup>414</sup>

---

<sup>408</sup> Acts 1897; Burns 26-809; Baldwin 5257. Acts 1911; Burns 26-813, 26-814; Baldwin 5264, 5265. 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419. *Blue v. State ex rel. Powell* (1936), 210 Ind. 486, 1 N. E. (2d) 122.

<sup>409</sup> Acts 1879 (Spec. Sess.); Burns 26-815; Baldwin 5273.

<sup>410</sup> 1 Rev. Stat. 1852; Burns 49-3111; Baldwin 5558. Acts 1937; Burns, 1939 suppl., 61-627; Baldwin, 1937 suppl., 13844-48.

<sup>411</sup> Acts 1919; Burns 64-1506; Baldwin 15768.

<sup>412</sup> Acts 1889; Burns 49-3007, 49-3008; Baldwin 5420, 5421. 1 Rev. Stat. 1852; Burns 49-3111; Baldwin 5558.

<sup>413</sup> 1 Rev. Stat. 1852; Burns 49-3113; Baldwin 5560.

<sup>414</sup> 1 Rev. Stat. 1852; Burns 49-3112; Baldwin 5559.

Every public officer who receives or distributes public funds must keep a cashbook wherein are entered daily, by item, all receipts of public funds. The book must be balanced daily, show funds on hand at the close of each day, and be kept open to public inspection.<sup>415</sup> The treasurer keeps records of all receipts and disbursements in a general account, and also in separate accounts for the separate appropriations and distinct funds. Current taxes are not entered on his account with the county until after his annual statement.<sup>416</sup> At the end of March, June, September, and December, the treasurer makes out a report showing the amount of money in the county treasury and each distinct fund thereof. The report is examined by the board of commissioners at its next regular session.<sup>417</sup>

The treasurer gives a receipt for all money paid to him, which receipt (except for taxes) must be deposited by the payer with the auditor, who gives a quietus for the same.<sup>418</sup>

The board of commissioners, at its first regular session each year, makes out a statement of the receipts and expenditures for the previous calendar year, and causes it to be published and posted.<sup>419</sup> The treasurer makes complete settlements with the board of commissioners at its January session each year.<sup>420</sup> Settlements by the board of commissioners are not binding on the county where the officer has failed to account for any money received by virtue of his office or failed to perform any duty required of him by law.<sup>421</sup>

All taxes collected by the treasurer must be deposited in the depository as one fund, except when otherwise provided by law. Semiannually the treasurer settles with the state

<sup>415</sup> Acts 1937; Burns, 1939 suppl., 61-623; Baldwin, 1937 suppl., 13844-44.

<sup>416</sup> 1 Rev. Stat. 1852; Burns 49-3109; Baldwin 5554.

<sup>417</sup> Acts 1895, 1913; Burns 49-1403; Baldwin 7578.

<sup>418</sup> 2 Rev. Stat. 1852, Acts 1891; Burns 49-2710; Baldwin 1437. 1 Rev. Stat. 1852; Burns 49-3104; Baldwin 5551.

<sup>419</sup> Acts 1899; Burns 26-546; Baldwin 5411.

<sup>420</sup> Acts 1899; Burns 26-531; Baldwin 5395.

Formerly the settlement was made in June. 1 Rev. Stat. 1852; Burns 49-3116; Baldwin 5563.

The state board of accounts now requires that settlements be recorded in the monthly balance record of the auditor and treasurer. Interview of May 18, 1939 with E. P. Brennan, state examiner.

Formerly the settlements were recorded in the order book (commonly called the "Commissioners' Record") of the board of commissioners. Acts 1899; Burns 26-531; Baldwin 5395.

<sup>421</sup> Acts 1879 (Spec. Sess.); Burns 26-637; Baldwin 5341.

and the municipal corporations within the county for taxes collected for them. Before such settlements, he advances not exceeding 80 percent when request by the proper officer is made to the auditor and a warrant is drawn by him.<sup>422</sup>

From time to time without notice, the books and accounts of county officers are audited by the state examiner. Before 1909 the judge of the circuit court examined the office of the clerk of the circuit court and reported thereon to the board of commissioners; and the board of commissioners examined other county offices.<sup>423</sup>

#### PUBLIC DEBT

The constitution provides that the total amount of the county debt shall not exceed 2 percent of the value of the taxable property therein,<sup>424</sup> and a statute provides that such debt shall not exceed 2 percent of the taxable property less the total of all mortgage exemptions.<sup>425</sup>

The borrowing of money for the county must be authorized by ordinance of the county council.<sup>426</sup> The notes, bonds, or other evidence of indebtedness are executed by the county commissioners and attested by the auditor.<sup>427</sup> The obligations may bear interest at a rate not exceeding 6 percent per annum. If the interest rate exceeds 5 percent the issuance must be approved by the state board of tax commissioners.<sup>428</sup> The council may provide for maturities at any time not exceeding 52 years from issuance.<sup>429</sup>

<sup>422</sup> Acts 1937; Burns, 1939 suppl., 61-626; Baldwin, 1937 suppl., 13844-47.

<sup>423</sup> 1 Rev. Stat. 1852, Acts 1935; Burns, 1939 suppl., 26-620; Baldwin, 1935 suppl., 5236. Acts 1897; Burns 26-636; Baldwin 5237. 2 Rev. Stat. 1852; Burns 49-2720; Baldwin 1439. 1 Rev. Stat. 1852; Burns 49-3110; Baldwin 5555. Acts 1909, 1915; Burns 60-201, 60-211; Baldwin 13854, 13862. *Opinions of the Attorney General of Indiana, 1939*, p. 184. Interview of May 18, 1939 with E. P. Brennan, state examiner.

<sup>424</sup> Const. 1851, art. 13, sec. 1. Exception is made in case of war, foreign invasion, or other public calamity. *Ibid.*

Bonds for construction of an interstate bridge, payable only from proceeds of bridge tolls, held not a debt within the meaning of this constitutional provision. Same ruling as to costs of highway maintenance. *Bennett v. Spencer County Bridge Commission* (1938), 213 Ind. 520, 13 N. E. (2d) 547.

<sup>425</sup> Acts 1899, 1921, 1929; Burns 26-532; Baldwin 5396.

<sup>426</sup> *Ibid.*

<sup>427</sup> Acts 1899, 1921; Burns 26-540; Baldwin 5405.

<sup>428</sup> Acts 1899, 1921, 1929; Burns 26-532; Baldwin 5396. Acts 1919, 1920 (Spec. Sess.), 1921, 1923; Burns 64-1332; Baldwin 15736.

<sup>429</sup> Acts 1899, 1921, 1929; Burns 26-532, 61-401; Baldwin 5396, 13896.



The bonds are issued after publication of notice, and must be sold for an amount not less than par value and accrued interest. If the amount of the bond issue is to exceed \$5,000, and if 10 taxpayers file objections with the auditor, the objections will be certified to the state board of tax commissioners for hearing and disposition.<sup>430</sup>

Temporary loans may be authorized to meet current running expenses to an amount not exceeding the revenue for the current year, and only as an anticipation of such revenue. It is the duty of the county council each year to levy an annual tax to pay all such temporary loans.<sup>431</sup>

The county council must make a levy of not less than one-tenth of 1 percent on the taxable property of the county each year, for the purpose of retiring bonds previously issued; and the taxes collected therefrom must be invested in those bonds or other county securities, and shall constitute a sinking fund for the ultimate liquidation of such debt.<sup>432</sup> The council must also levy each year a tax sufficient to pay interest for the year on bonds previously issued. If more taxes are collected under this levy than are needed to pay interest, such excess goes into the sinking fund to pay the principal.<sup>433</sup>

### ELECTIONS

In Indiana there are three types of elections: Primary; special; and general. Primary elections are for the purpose of nominating party candidates for all offices (other than those to be voted on by the entire electorate of the state) and electing precinct committeemen and delegates to state conventions of political parties. The primary election is mandatory for each political party in the state casting for its candidate for secretary of state 10 percent or more of the aggregate vote cast for all candidates for secretary of state in the last general election.<sup>434</sup> Special elections are held to fill vacancies in the United States Congress, the Indiana General Assembly, in offices required to be filled

---

<sup>430</sup> Acts 1899, 1921; Burns 26-540; Baldwin 5405. Acts 1919, 1920 (Spec. Sess.), 1921, 1923; Burns 64-1332; Baldwin 15736.

<sup>431</sup> Acts 1899, 1921, 1929; Burns 26-532; Baldwin 5396.

<sup>432</sup> 1 Rev. Stat. 1852, Acts 1859; Burns 26-1006; Baldwin 5247. Acts 1899; Burns 26-515; Baldwin 5379.

<sup>433</sup> 1 Rev. Stat. 1852; Burns 26-1007; Baldwin 5248.

<sup>434</sup> Acts 1915; Burns 29-501; Baldwin 7187.

by special election, and in all offices in case of a tie vote. They are ordered by the governor, announced by the sheriff, and conducted in the manner in which general elections are conducted.<sup>435</sup> The general election, held biennially, is for the purpose of filling all existing vacancies in office, and all offices the terms of which will expire before the next general election thereafter.<sup>436</sup>

Primary elections are held on the 1st Tuesday after the 1st Monday in May preceding the general elections.<sup>437</sup> They are held under the supervision of the board of primary election commissioners, consisting of the clerk of the circuit court and two persons (from the two major political parties nominated by their respective county chairmen) appointed by him. This board prepares and distributes ballots for the primary elections,<sup>438</sup> and serves as the county board of election commissioners at the next general election.<sup>439</sup>

Primary elections are conducted by the following officials for each precinct: One election inspector, two election judges, two poll clerks, two election sheriffs, and one poll book holder for each political party participating in the election. Their qualifications and duties are the same as those of the corresponding precinct officials for general elections. The inspector, judges, and clerks are appointed as follows: The party casting the highest vote for secretary of state at the last general election appoints the inspector, the party casting the next highest vote appoints one election judge, and so on in rotation among all parties participating in the election. The sheriffs and poll book holders are appointed in the manner in which they are appointed for general elections.<sup>440</sup>

General elections are held biennially on the 1st Tuesday after the 1st Monday in November of even-numbered years.<sup>441</sup>

---

<sup>435</sup> Acts 1881 (Spec. Sess.); Burns 29-1701 to 29-1704; Baldwin 7246 to 7249.

<sup>436</sup> Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081.

<sup>437</sup> Acts 1915, 1917; Burns 29-508; Baldwin 7194.

<sup>438</sup> Acts 1907, ch. 282, secs. 1, 13. Acts 1915, 1917; Burns 29-504; Baldwin 7190. See the essay entitled "Board of Primary Election Commissioners."

"Courts of equity have no jurisdiction to interfere in the purely political activities of political party organizations." State *ex rel.* Marion County Democratic Committee v. Marion Superior Court (1933), 214 Ind. 322, 15 N. E. (2d) 379.

<sup>439</sup> Acts 1915, 1917; Burns 29-504; Baldwin 7190.

<sup>440</sup> Acts 1915, 1917; Burns 29-505, 29-507; Baldwin 7191, 7193.

<sup>441</sup> Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081.

County officers elected by the people are county commissioners, county councilmen, judge and clerk of the circuit court, auditor, treasurer, sheriff, coroner, recorder, prosecuting attorney, surveyor, and county assessor. These elections are held under the supervision of the county board of election commissioners, which prepares and distributes the ballots therefor.<sup>442</sup>

For a general election the county board of election commissioners appoints the election officials for each precinct, namely, one election inspector, two election judges, two poll clerks (and two assistant poll clerks if necessary), and two election sheriffs. The election inspector and election judges constitute the precinct board of election. The other precinct officials assist this board in conducting the general election. The election judges, poll clerks, and election sheriffs must be qualified voters of opposite political faith. They are nominated by the chairmen of their respective county central committees. The inspector and judges must have been freeholders and resident householders of the precinct for at least 1 year, or resident householders therein for at least 2 years preceding the election, unless persons having these qualifications are not available. The inspector of elections is nominated by the chairman of the party casting the highest number of votes in the county in the last election for secretary of state. The township trustee serves as the election inspector in the precinct in which he resides. Each party may appoint one challenger and one poll book holder in each precinct to represent that party in the challenge of voters.<sup>443</sup>

The constitution provides that all elections shall be "free and equal," prescribes the length of residence required of an elector, designates the time of holding elections, and gives the legislature power to provide for the registration of voters.<sup>444</sup>

All voters at general and special elections must be duly registered for voting;<sup>445</sup> must be citizens of the United States; must be of the age of 21 years and upwards at the time of the election; and must have resided in the state 6

<sup>442</sup> Acts 1889; Burns 29-1002; Baldwin 7109. See the essay entitled "County Board of Election Commissioners."

<sup>443</sup> Acts 1929, 1933; Burns 29-804, Baldwin 7093. Acts 1929; Burns 29-805 to 29-807; Baldwin 7094 to 7096.

<sup>444</sup> Const. 1851, art. 2, secs. 1, 2, 14.

<sup>445</sup> Acts 1933; Burns 29-301; Baldwin 7299. See the essay entitled "Registration Officer."

months, in the township 60 days, and in the ward or precinct 30 days, immediately preceding the election. Any person who has these qualifications may vote at the primary election next preceding the general or special election. If he is not so qualified at the time of the primary election but will be so qualified at the time of the general or special election, he may vote in the primary election on making an affidavit in the form required by law for such voters.<sup>446</sup> Soldiers, sailors, and marines acquire no residence in the state for voting purposes by virtue of being stationed therein.<sup>447</sup> The registration officer (the clerk of the circuit court ex officio) conducts the registration of voters.<sup>448</sup>

The board of county commissioners participates in various ways in the conduct of elections. The more important functions of the board in that connection are those of establishing election precincts and changing their boundaries;<sup>449</sup> providing rooms for polling places and equipping them with voting booths and ballot boxes;<sup>450</sup> and the purchase of voting machines (when permissive) for the several precincts.<sup>451</sup>

Any qualified and registered elector of the county, who by reason of the nature of his business is absent or expects to be absent from the county on the day of holding an election, may vote by an absent-voter's ballot which he, by mail or in person, procures from the clerk of the circuit court.<sup>452</sup>

The board of canvassers (consisting of the election commissioners,<sup>453</sup> with the clerk of the circuit court acting as clerk)<sup>454</sup> tabulates and compiles the election returns of the county, and files all data, canvass sheets, certificates, poll

<sup>446</sup> U. S. Const., amend. 19. U. S. C., title 8, sec. 31 (law of 1870). Const. 1851, art. 2, sec. 2 (as amended in 1921). Acts 1915, 1917; Burns 29-510; Baldwin 7196. Acts 1881 (Spec. Sess.); Burns 29-703; Baldwin 7083. Kelso v. Cook (1916), 184 Ind. 173, 110 N. E. 987.

<sup>447</sup> Const. 1851, art. 2, sec. 3. Acts 1881 (Spec. Sess.); Burns 29-705; Baldwin 7085.

<sup>448</sup> Acts 1933, 1935; Burns, 1939 suppl., 29-306; Baldwin, 1935 suppl., 7304.

<sup>449</sup> Acts 1933; Burns 29-319; Baldwin 7317. Acts 1889, 1907; Burns 29-801; Baldwin 7069. Acts 1920 (Spec. Sess.); Burns 29-901; Baldwin 7091.

<sup>450</sup> Acts 1920 (Spec. Sess.); Burns 29-909; Baldwin 7154. Acts 1897; Burns 29-1121; Baldwin 7135.

<sup>451</sup> Acts 1939; Burns, 1939 suppl., 29-562; Baldwin, 1939 suppl., 7245-1. Acts 1901, 1903; Burns 29-2404; Baldwin 7352.

<sup>452</sup> Acts 1935; Burns, 1939 suppl., 29-2601 to 29-2623; Baldwin, 1935 suppl., 7348-1 to 7348-23.

<sup>453</sup> Acts 1905, 1927; Burns 29-1401; Baldwin 7377.

<sup>454</sup> Acts 1905; Burns 29-1402; Baldwin 7378.



books, and tally papers in the office of the clerk, and certifies the candidates elected.<sup>455</sup> At each place of canvassing ballots cast at a general election, each of the four major political parties is entitled to have one watcher present during the canvassing.<sup>456</sup> Every political party represented at a primary election is entitled to similar watchers at the canvassing of ballots cast at that election.<sup>457</sup>

Recount of ballots must be ordered by the circuit court if a petition and cost bond therefor are presented by a defeated candidate within 12 days after the election. Such recount is made by commissioners appointed by the court, and it supersedes the certificate of the county board of canvassers. Thereafter the court hears the contentions of the parties and determines the result of the election.<sup>458</sup>

Each candidate for public office must file with the clerk of the circuit court, within 30 days after the election (general, special, or primary), a sworn statement setting forth his election expenses and promises. Failure to file such statement is a criminal offense and disqualifies the candidate from holding the office sought by him in such election.<sup>459</sup>

## EDUCATION

### FUNDS

The public school system of Indiana was provided for by the Ordinance of 1787.<sup>460</sup> In 1816 the Congressional Township fund was provided for the development of the public school system. The fund was composed of the moneys arising from the sale and leasing of lands of section 16 of each Congressional Township.<sup>461</sup> This fund was not handled efficiently

---

<sup>455</sup> Acts 1905; Burns 29-1404, 29-1405; Baldwin 7380, 7381.

Duty to disregard all improperly marked ballots. *Craney v. Traylor* (1938), 214 Ind. 542, 16 N. E. (2d) 845.

<sup>456</sup> Acts 1897, 1901, 1909; Burns 29-1301; Baldwin 7147.

<sup>457</sup> Acts 1915; Burns 29-527; Baldwin 7213. Acts 1931; Burns 29-528; Baldwin 7214. Acts 1939; Burns, 1939 suppl., 29-569; Baldwin, 1939 suppl., 7245-8.

<sup>458</sup> Const. 1851, art. 2, sec. 14 (as amended in 1881). Acts 1915, 1917, 1925, 1929; Burns 29-511; Baldwin 7196. Acts 1933, 1935; Burns, 1939 suppl., 29-2301 to 29-2309; Baldwin, 1935 suppl., 7428 to 7435, 7427-1. *State ex rel. Lord v. Sullivan* (1938), 214 Ind. 279, 15 N. E. (2d) 384.

<sup>459</sup> Acts 1911, 1913, 1915; Burns 29-2508; Baldwin 7445.

<sup>460</sup> Ordinance of 1787, art. 3; *U. S. Statutes at Large*, 1:52 note.

<sup>461</sup> *U. S. Statutes at Large*, 3:289 (law of 1816).

before 1851.<sup>462</sup> Interest in education grew slowly before 1849. In that year the first tax law for the support of schools was passed.<sup>463</sup> It was not until after the adoption of the Constitution of 1851 and the passage of the school law of 1852 that education received any effective attention from the state.<sup>464</sup> The school law of 1865 brought the most complete revision.<sup>465</sup> The constitution provides that the general assembly shall encourage and provide for a general and uniform system of common schools.<sup>466</sup>

The Constitution of 1851 established the common school fund composed of: The Congressional Township fund and the lands belonging thereto; the surplus revenue fund; the bank tax fund; the saline fund and the lands belonging thereto; the funds to be derived from the sale of county seminaries, and the moneys and properties previously held for such seminaries; fines and forfeitures; decedents' estates escheated to the state for want of heirs; taxes on the property of corporations which may be assessed by the general assembly for common school purposes; and all lands granted to the state without designation of purpose, and the proceeds of sale thereof (including the proceeds of sale of swamp lands granted in 1850, less the expense of selection and drainage).<sup>467</sup>

The Constitution of 1851 further provided that the principal of the common school fund must remain a perpetual fund and be invested so that it may increase but never diminish; and that the interest earned by the fund may be expended for the support of the common schools and for no other purpose. The general assembly was required to invest all funds that were not already under the supervision of the counties, and was directed to provide laws for the distribution of the interest to the counties.<sup>468</sup>

---

<sup>462</sup> Logan Esarey, *History of Indiana* (1924), 2:679, sec. 122.

<sup>463</sup> Acts 1848-49 (general), ch. 116, sec. 1. Fassett A. Cotton, *Education in Indiana* (Bluffton, Indiana, 1934), 10.

<sup>464</sup> Const. 1851, art. 8. 1 Rev. Stat. 1852, ch. 98.

<sup>465</sup> Acts 1865; Burns 28-101; Baldwin 6499.

<sup>466</sup> Const. 1851, art. 8, sec. 1.

<sup>467</sup> Const. 1851, art. 8, secs. 2-7. Acts 1865; Burns 28-101; Baldwin 6499.

Fines for contempt of court go into the common school fund. *Swift v. State ex rel. Clark* (1878), 63 Ind. 81.

Swamp lands granted to state. *U. S. Statutes at Large*, 9:519 (law of 1850).

<sup>468</sup> Const. 1851, art. 8, secs. 3-5. Acts 1865; Burns 28-101; Baldwin 6499. Acts 1907; Burns 28-102; Baldwin 6500.

The school funds managed by the county are kept by the county auditor in three separate funds, (a) the common school fund, (b) the Congressional Township fund, and (c) the permanent endowment fund of Indiana University. The latter fund was derived from a tax levy of one-half of 1 cent on each \$100 of taxable property for the years 1883 through 1895, and was distributed among the several counties according to population. Loans from these three funds are made by the county school fund board. Each county is held liable for the preservation of the funds entrusted to it, and for the payment of the annual interest. The interest on the common school fund and the Congressional Township school fund is paid into the state treasury and is thereafter distributed among the several counties on the basis of average daily attendance of school children therein, to be used for the support of the common schools. Monroe County (including Bloomington) received \$11,914.07 for the school year 1938-39 from this source. The interest on the permanent endowment fund of Indiana University is paid to the state treasurer, and he pays it to the trustees of Indiana University.<sup>469</sup>

The interest on the school funds aforesaid is supplemented by other funds provided by the general assembly for the public schools. From the general fund, the state supplies the county with tuition support of not less than \$700 annually for each teaching unit of 35 pupils in average daily attendance in grades 1 to 8, and for each unit of 25 pupils in average daily attendance in grades 9 to 12. This fund is known as the "school tuition support fund."<sup>470</sup> The total amount received by Monroe County (including Bloomington) from this source during the school year 1938-39 was \$177,635.79.<sup>471</sup>

---

<sup>469</sup> Const. 1851, art. 8, secs. 2-7. Acts 1907; Burns 28-102; Baldwin 6500. Acts 1865; Burns 28-104, 28-105; Baldwin 6499-1, 6511. Acts 1865, 1873, 1897; Burns 28-1008; Baldwin 6485. Acts 1865, 1893, 1932 (Spec. Sess.), 1933; Burns 28-1013; Baldwin 6490. Board of County Comrs. v. Michener (1889), 120 Ind. 442, 22 N. E. 339. "Report of the State Superintendent of Public Instruction, 1938-1939," *Year Book of the State of Indiana for the Year 1939* (1940), 261, 279. See the essay entitled "County School Fund Board."

Permanent endowment fund of Indiana University. Acts 1897; Burns 28-5542 to 28-5545; Baldwin 6908 to 6911. Acts 1883; Burns 28-5579; Baldwin 6956. Fisher v. Brower (1902), 159 Ind. 139, 64 N. E. 614.

<sup>470</sup> Acts 1933, 1935, 1937; Burns, 1939 suppl., 23-1001 to 28-1003; Baldwin, 1937 suppl., 6502 to 6504.

<sup>471</sup> "Report of the State Superintendent of Public Instruction, 1938-1939," *loc. cit.*, 261, 279.

From the moneys raised from the excise tax against dealers in alcoholic beverages, one-third is distributed to the school corporations on the basis of average daily attendance.<sup>472</sup> Monroe County (including Bloomington) received \$8,252.08 from this source for the school year 1938-39.<sup>473</sup>

A state stamp tax on intangible property has further provided financial aid to the schools. The money is collected and held separate from the general fund. Of the total amount, 10 percent is kept by the state for the expense of administering that tax, and the remainder is apportioned to the counties on the basis of assessed valuation of real property in the several counties. One-fourth of the amount received by each county is retained for its general fund, and the remainder is distributed to the school taxing units in the county on the basis of assessed valuation of real property in the several units.<sup>474</sup> For the school year 1938-39 Monroe County and the school taxing units therein received \$6,483.14 from this source.<sup>475</sup>

In 1933 the common school relief fund was established for the purpose of aiding schools to continue in operation. The fund is derived from a 7 cent tax levy on each \$100 of taxable property, real or personal, and a poll tax of 50 cents on each taxable poll.<sup>476</sup> Whenever any township trustee or board of trustees of any school town or school city ascertains that there is an insufficient amount of revenue to maintain the school for a term not to exceed 8 months, such trustee or board must file a certificate with the county superintendent of schools stating its needs.<sup>477</sup> The county superintendent of schools forwards the certificate to the state board of education,<sup>478</sup> and this board and the state board of accounts must examine the certificate and decide on the amount to be allotted to the school unit.<sup>479</sup> The money received must first be used to pay any unpaid items of operating expenses which accrued before the making of such application; and any surplus must be used for the operating expenses of the current school

---

<sup>472</sup> Acts 1935, 1939; Burns, 1939 suppl., 12-811; Baldwin, 1939 suppl., 3764-40f. Acts 1865, 1893, 1932 (Spec. Sess.); 1933; Burns 28-1013; Baldwin 6490.

<sup>473</sup> "Report of the State Superintendent of Public Instruction, 1938-1939," *loc. cit.*, 261, 279.

<sup>474</sup> Acts 1933; Burns 64-922; Baldwin 15920.

<sup>475</sup> "Report of the State Superintendent of Public Instruction, 1938-1939," *loc. cit.*, 261, 279.

<sup>476</sup> Acts 1933; Burns 28-901; Baldwin 6431.

<sup>477</sup> Acts 1933; Burns 28-903; Baldwin 6433.

<sup>478</sup> Acts 1933; Burns 28-904; Baldwin 6434.

<sup>479</sup> Acts 1933; Burns 28-905; Baldwin 6435.



year.<sup>480</sup> Monroe County received \$82,286.20 from this fund for the school year of 1938-39.<sup>481</sup>

From 1927 until 1937 any surplus in the county dog fund on the 1st Monday in March each year, after provision was made for certain disbursements therefrom, was distributed for the schools of the county in the same manner as the "common school revenue of such county" was distributed. A 1937 law provides that any money in the "state dog account" in excess of \$50,000 remaining after certain annual distributions therefrom must be transferred by the auditor of state to the "state school revenue fund."<sup>482</sup>

The school cities, towns, and townships may levy property taxes and poll taxes<sup>483</sup> for the following school purposes: Renting, repairing, and constructing schoolhouses; furnishings, apparatus, fuel, tuition, and other current expenses;<sup>484</sup> to enforce compulsory education and keep poor children in school;<sup>485</sup> to provide rooms and equipment for the teaching of agriculture, home economics, physical culture, and practical mental culture;<sup>486</sup> establishment of vocational schools;<sup>487</sup> and for the retirement of school bonds.<sup>488</sup>

#### ORGANIZATION

There are two major types of school organizations, (a) county schools and (b) town and city schools. The "county schools" are, in reality, township schools and are operated by the township trustees severally. The town and city schools are operated in a similar manner by school boards composed of three members appointed by the board of town trustees or the city council, respectively.<sup>489</sup> All public schools are under

<sup>480</sup> Acts 1933, 1935; Burns, 1939 suppl., 28-907; Baldwin, 1935 suppl., 6437. *Opinions of the Attorney General of Indiana, 1939*, p. 197.

<sup>481</sup> "Report of the State Superintendent of Public Instruction, 1938-1939," *loc. cit.*, 261, 279.

<sup>482</sup> Acts 1927, ch. 176, sec. 10. Acts 1929, ch. 58, sec. 1. Acts 1935, ch. 271, sec. 4. Acts 1937; Burns, 1939 suppl., 16-326, 16-327; Baldwin, 1937 suppl., 3811-10, 3811-11. *Finerty v. State ex rel. School City of Gary* (1938), 213 Ind. 470, 12 N. E. (2d) 941.

<sup>483</sup> Acts 1919; Burns 64-101; Baldwin 15514.

<sup>484</sup> Acts 1865, 1873, 1905, 1917; Burns 28-1101; Baldwin 6442.

<sup>485</sup> Acts 1921; Burns 28-513; Baldwin 6706.

<sup>486</sup> Acts 1913; Burns 28-3421; Baldwin 6468.

<sup>487</sup> Acts 1913, 1919; Burns 28-4902; Baldwin 6448.

<sup>488</sup> Acts 1937; Burns, 1939 suppl., 28-3218; Baldwin, 1937 suppl., 6623-11.

<sup>489</sup> Acts 1905, 1915, 1919; Burns 28-1201; Baldwin 5962.

the control of the legislature. Local government units act only as legislative agencies in the operation of schools.<sup>490</sup>

The county superintendent of schools, who is elected by the township trustees, has charge of each township institute, aids the trustee in the supervision of the township schools, and carries out all orders and instructions of the state superintendent of public instruction and the state board of education. He has no supervision of city or town schools.<sup>491</sup>

The township trustees, the county superintendent of schools, and the chairman of the board of school trustees of each city and town in the county compose the county board of education. The city and town school trustees (other than the chairman of the board) may attend the meetings of the county board of education but have no vote in the proceedings. The county board of education meets semiannually to consider the general needs of the schools.<sup>492</sup>

The local school systems are closely supervised by the state board of education, with the state superintendent of public instruction as its administrative head.<sup>493</sup> One of the most important functions of the state board of education is the issuing of teachers' licenses. These are graded according to the kind and amount of training and experience of the licensee.<sup>494</sup> The state board of education provides for the inspection of schools,<sup>495</sup> establishes a uniform schedule of textbooks,<sup>496</sup> and prescribes an accredited course of instruction for teacher training.<sup>497</sup>

Except as otherwise provided hereinafter, every child between the ages of 7 and 16 years must attend "public school

<sup>490</sup> Anderson v. Brand (1938), 214 Ind. 347, 5 N. E. (2d) 531, 913, 7 N. E. (2d) 777, 13 N. E. (2d) 955.

<sup>491</sup> Acts 1899, 1911, 1913; Burns 28-702, 28-704, 28-705; Baldwin 5931, 5938, 5940. State *ex rel.* Nebeker v. Sutton (1884), 99 Ind. 300; State *ex rel.* Drummond v. Dillon (1890), 125 Ind. 65, 25, N. E. 136. See the essay entitled "County Superintendent of Schools."

<sup>492</sup> Acts 1873, 1877; Burns 28-891; Baldwin 5983. Interview of July 26, 1939 with Grover Van Duyn, assistant state superintendent of public instruction. See the essay entitled "County Board of Education."

<sup>493</sup> Acts 1865; Burns 28-301, 28-302; Baldwin 5890, 5891. Acts 1913; Burns 28-401; Baldwin 5906. Acts 1939; Burns, 1939 suppl., 28-401a; Baldwin, 1939 suppl., 5906-1.

<sup>494</sup> Acts 1865; Burns 28-404; Baldwin 5920. Acts 1923; Burns 28-4201 to 28-4217; Baldwin 591 to 5928.

<sup>495</sup> Acts 1921; Burns 28-304, 28-305; Baldwin 6048, 5939.

<sup>496</sup> Acts 1889, 1909, 1917; Burns 28-601; Baldwin 6875.

<sup>497</sup> Acts 1923; Burns 28-4205; Baldwin 5916.

or other school taught in the English language which is open to the inspection of local and state attendance and school officers"; and the child must attend "such a school each year during the entire time the public schools are in session in the school district in which such child resides." A child will be excused for 1 year on a certificate of a physician that the child is physically or mentally unfit for school attendance. Children who are deaf or blind may be sent to the Indiana State School for the Deaf or the Indiana State School for the Blind, respectively. The judge of the circuit court, when sitting as a juvenile court, may suspend the provisions of the compulsory attendance law in cases of juvenile delinquents and incorrigibles, and may make special provisions for their education, such as placing them in special private schools or in the state correctional schools (Indiana Boys' School and Industrial Schools for Girls).<sup>498</sup>

Whenever colored children reside in any school corporation, the school trustee or trustees may establish separate schools for them. These schools must provide rights, privileges, and advantages equal to those in the other schools in the corporation. If no such school is available, colored children must attend the public schools with white children.<sup>499</sup> Colored schools are represented on the state board of education by the required presence of one member of the negro race.<sup>500</sup>

In 1913 the general assembly first provided that school corporations might establish vocational schools or departments for industrial, agricultural, and home economics education. These courses are established in a manner approved by the state board of education, and are maintained by the regular school funds or by a special tax levy.<sup>501</sup> Classes may be held during the day or evening. The instruction is of less than college grade, but designed to meet the needs of persons over 14 years of age.<sup>502</sup>

Township trustees may furnish free transportation of pupils to and from township schools. If such transportation

---

<sup>498</sup> Acts 1903, 1913, 1931, 1935, 1937; Burns, 1939 suppl., 9-2801; Baldwin, 1937 suppl., 1759. Acts 1903, 1905, 1907, 1913; Burns 9-2814; Baldwin 1761. Acts 1921; Burns 28-505; Baldwin 6698. *Opinions of the Attorney General of Indiana, 1939*, p. 322.

<sup>499</sup> Acts 1869 (Spec. Sess.), 1877, 1935; Burns, 1939 suppl., 28-5104; Baldwin, 1935 suppl., 6012.

<sup>500</sup> Acts 1939; Burns, 1939 suppl., 28-401a; Baldwin, 1939 suppl., 5906-1.

<sup>501</sup> Acts 1913, 1919; Burns 28-4902; Baldwin 6448.

<sup>502</sup> Acts 1913, 1919; Burns 28-4903; Baldwin 6449.

is provided, free transportation must also be furnished along the regular route for pupils attending parochial schools. If a township school is discontinued without being consolidated with a town school or city school, the township trustee must assign the pupils to another school and furnish transportation for those who live more than  $1\frac{1}{2}$  miles from the school to which they are assigned. In case of consolidation of a township school with a town school or city school, transportation must be furnished for all pupils who live more than one-half mile outside the corporate limits of the town or city in which the consolidated school is located.<sup>503</sup>

### PUBLIC HEALTH

The Indiana State Board of Health closely supervises and directs all local public health activities.<sup>504</sup> Public health services are administered in the county by a part-time county health officer and a full-time public health nurse. They are appointed by the board of commissioners, subject to approval by the state board.<sup>505</sup> The state board of health is composed of several bureaus which perform many services for the local health officers. Some of these bureaus furnish laboratory services such as inspection of dairy products, analysis of water, food, and drugs, and making of bacteriological and pathological tests.<sup>506</sup>

The educational facilities offered by the state board are many. Literature, lectures, lantern slides, and motion picture films are available for use in schools and clubs or organizations desiring information on public health. These facilities may be obtained from the bureau of health and

---

<sup>503</sup> Acts 1917, 1921; Burns 28-1220, 28-1228; Baldwin 6197, 6206. Acts 1925; Burns 28-1231, 28-1241; Baldwin 6208, 6218. Acts 1929; Burns 28-1242, 28-1252; Baldwin 6219, 6229. Acts 1935; Burns, 1939 suppl., 28-1266, 28-1274; Baldwin, 1935 suppl., 6230-1, 6230-9. Acts 1907, 1909, 1935, 1937; Burns, 1939 suppl., 28-2803; Baldwin, 1937 suppl., 6251. Acts 1921, 1933; Burns 28-2805; Baldwin 6266. Acts 1927; Burns 28-3504; Baldwin 6079. Acts 1917; Burns 28-3801; Baldwin 6271. Acts 1937; Burns, 1939 suppl., 28-3810; Baldwin, 1937 suppl., 6266-1. *Opinions of the Attorney General of Indiana, 1939*, pp. 25, 74, 91, 366.

<sup>504</sup> Acts 1891, 1909; Burns 35-105, 35-106; Baldwin 8390, 8391.

<sup>505</sup> Acts 1935; Burns, 1939 suppl., 35-118, 35-123; Baldwin, 1935 suppl., 8404-1, 8404-6. See the essays entitled "County Health Officer" and "Public Health Nurse."

<sup>506</sup> Acts 1905; Burns 35-302; Baldwin 8394.

Test for rabies. Acts 1935; Burns, 1939 suppl., 35-711; Baldwin, 1935 suppl., 3863-1.



physical education, the bureau of communicable diseases, and the bureau of venereal diseases.<sup>507</sup>

The state board of health distributes insulin, pneumonia serum, diphtheria toxoid, smallpox virus, and typhoid bacterins to physicians for indigent patients.<sup>508</sup>

Health laws provide that public water supplies must be inspected by the state board of health;<sup>509</sup> that manufacturing, storage, and retail establishments dealing in foodstuffs must maintain certain standards of sanitation and cleanliness;<sup>510</sup> that dwellings which are unsanitary, unsafe, unhealthful, or rendered uninhabitable by "the existence on the premises of a nuisance likely to cause sickness" among the occupants must be properly inspected and ordered vacated;<sup>511</sup> that health officers must ascertain the existence of rat infestations, order their extermination, and recommend methods of extermination.<sup>512</sup>

Food and drug products are inspected in the state laboratory for adulteration or misbranding.<sup>513</sup> Dairy products are tested for butter fat content and weight.<sup>514</sup>

Contagious diseases must be reported to the state board and properly quarantined by the health officer.<sup>515</sup> All cases of tuberculosis<sup>516</sup> and leprosy must be reported to the state board of health as soon as they are diagnosed. The state board has jurisdiction to direct the care and disposition of lepers.<sup>517</sup>

All birth certificates must show that the attendant at such birth took the proper precautions to prevent ophthalmia neonatorum (the disease causing infant blindness).<sup>518</sup> If an

<sup>507</sup> Acts 1891, 1909; Burns 35-106; Baldwin 8391. Interview of August 17, 1939 with Dr. Verne K. Harvey, director of the state board of health.

<sup>508</sup> Acts 1907, 1919, 1929, 1935, 1939; Burns, 1939 suppl., 35-701 to 35-703, 35-710, 35-712; Baldwin, 1935 suppl., 13392 to 13394, 13395-1; Baldwin, 1939 suppl., 13395-2.

<sup>509</sup> Acts 1909; Burns 35-202, 35-203; Baldwin 8411, 8412.

<sup>510</sup> Acts 1909; Burns 35-1001; Baldwin 8504.

<sup>511</sup> Acts 1917; Burns 35-1801; Baldwin 8563.

<sup>512</sup> Acts 1913; Burns 35-1601, 35-1602; Baldwin 8570, 8571.

<sup>513</sup> Acts 1905; Burns 35-302; Baldwin 8394. Acts 1907; Burns 35-1201; Baldwin 8432. Acts 1939, ch. 38.

<sup>514</sup> Acts 1913; Burns 35-1301; Baldwin 8455.

<sup>515</sup> Acts 1903; Burns 35-401, 35-403; Baldwin 8531, 8533.

<sup>516</sup> Acts 1917; Burns 35-601, 35-602; Baldwin 8402, 8552.

<sup>517</sup> Acts 1917; Burns 35-501 to 35-503; Baldwin 8543 to 8545.

<sup>518</sup> Acts 1911; Burns 35-901; Baldwin 8558.

infant's eyes show any sign of infection within 2 weeks after the date of birth, a written report thereof must be made to the health officer within 6 hours after such discovery.<sup>519</sup>

All persons applying to the clerk of the circuit court for a marriage license must present a certificate from a licensed physician stating that the applicant is not infected with communicable syphilis. Before giving such certificate, the physician must have a blood specimen of the applicant examined by the laboratory of the state board of health or a laboratory approved by the board. The test must be made not more than 30 days before the application for a license. The judge of the circuit court may waive these requirements at any time in case of "emergency or other causes shown by affidavit or other proof."<sup>520</sup>

The county health officer enforces the state health laws and the regulations of the state board of health; promotes health education; collects vital statistics; makes periodic reports to the state board of health; and keeps records of these reports in his record books.<sup>521</sup>

Counties have statutory authority to construct and maintain public hospitals, but conditions prevailing in Monroe County have not required a county hospital.<sup>522</sup>

#### VITAL STATISTICS

In Indiana the collection of vital statistics is supervised by the bureau of vital statistics of the state board of health.<sup>523</sup> The county health officer makes the collection of local data on forms supplied by the state board of health, and periodically delivers reports of all records to the state board. The health officer collects statistics of births, deaths, marriages, and communicable diseases. Physicians, midwives, the clerk of the circuit court, and all responsible householders are required to report to the county health officer the facts needed for such statistics.<sup>524</sup>

All birth reports are to be made to the health officer

---

<sup>519</sup> Acts 1911; Burns 35-903; Baldwin 8560.

<sup>520</sup> Acts 1939; Burns, 1939 suppl., 44-213; Baldwin, 1939 suppl., 5624-1.

<sup>521</sup> Acts 1935; Burns, 1939 suppl., 35-118, 35-122, 35-123; Baldwin, 1935 suppl., 8404-1,

8404-5, 8404-6.

<sup>522</sup> Acts 1903, 1939; Burns, 1939 suppl., 22-3201; Baldwin, 1939 suppl., 4507.

<sup>523</sup> Acts 1907, 1913; Burns 35-116; Baldwin 8399.

<sup>524</sup> Acts 1881, ch. 19, sec. 11. Acts 1891, ch. 15, sec. 11. Acts 1907, 1913; Burns 35-115;

Baldwin 8398.

within 36 hours after birth. A child that lives and breathes after birth, no matter how brief the period, and regardless of the period of gestation, is a living child; and if he thereafter dies, his birth and death must be reported and recorded.<sup>525</sup>

Deaths are reported as soon as possible, because a body may not be buried until a burial permit has been issued by the health officer in charge, and burial permits are not issued until the death certificate is completed. If death has occurred by means of violence or criminal practices, the death notice is referred to the coroner. Burial may be made anywhere in the state regardless of the county in which the permit is issued. When a death occurs outside the state, and the body is brought into the state for interment, the burial permit must be based on the transportation permit, and no record of the death is required.<sup>526</sup> The burial permit is preserved with the records of the cemetery.<sup>527</sup>

Certified copies of the official records of births and deaths are furnished by the secretary of the state board of health, on request of any applicant. Courts and public officials will receive these copies as proof of the facts stated therein.<sup>528</sup>

The clerk of the circuit court issues all marriage licenses, and makes a monthly report to the county health officer showing marriage statistics. The health officer records each marriage in his record book, and sends a quarterly report to the state board of health. Every marriage must be reported on an official blank, by the person performing the ceremony, within 3 days after the occurrence thereof, to the clerk of the circuit court of the county where the license was issued. The clerk keeps a record of each reported marriage, and will furnish a certified copy thereof on request of any applicant. Courts and public officials will receive these copies as proof of the facts therein stated.<sup>529</sup>

<sup>525</sup> Acts 1907, 1911, 1913; Burns 35-115, 35-116, 35-901; Baldwin 8398, 8399, 8558. Rule 4 of the state board of health.

<sup>526</sup> Acts 1907, 1913; Burns 35-115; Baldwin 8398. Rule 3 of the state board of health.

<sup>527</sup> Acts 1939; Burns, 1939 suppl., 20-1021; Baldwin, 1939 suppl., 4617-21.

<sup>528</sup> Acts 1907, 1913; Burns 35-116; Baldwin 8399.

<sup>529</sup> Acts 1281, ch. 19, sec. 11. Acts 1891, ch. 15, sec. 11. Acts 1907, 1913; Burns 35-115; Baldwin 8398. Acts 1905, 1917; Burns 44-205; Baldwin 5625. 1 Rev. Stat. 1852; Burns 44-303; Baldwin 5634. Rule 5 of the state board of health.

Injunction against illegal issuance of license. *Sweigart v. State* (1938), 213 Ind. 157, 12 N. E. (2d) 134.

Weekly reports, on printed forms provided by the United States Public Health Service, summarizing all communicable diseases or stating the absence thereof, are made by the local health officers to the state board of health.<sup>530</sup>

The heads of all public and private institutions, such as hospitals, poor asylums, and places of confinement, are required to keep all statistics concerning the inmates and make reports directly to the state board of health as required by the board.<sup>531</sup>

#### WELFARE ASSISTANCE

An important public service is the administration of the Public Welfare Act by the county department of public welfare, under the supervision of the Indiana State Department of Public Welfare.<sup>532</sup>

An applicant for old-age assistance must be at least 65 years old; must be a citizen of the United States; must have lived in the state for 5 out of the last 9 years, the last year continuously; must be in need; must not be an inmate of a municipal, state, or national institution; and must not have transferred his property within the 5 years immediately before his application.<sup>533</sup> He must reveal all property and income in which he has an interest,<sup>534</sup> agree to reimburse the county for assistance given him, and assign as collateral security such part of his personal property as the county department of public welfare may require.<sup>535</sup> After an investigation the county department may grant him assistance, never exceeding \$30 a month.<sup>536</sup> A copy of the certificate of award is filed in the office of the recorder, and constitutes a lien on any real property which the pensioner then owns or subsequently acquires.<sup>537</sup> With the consent of the state department of public welfare, the county department may demand a transfer of all property he owns, on the sole

<sup>530</sup> Acts 1907, 1913; Burns 35-115; Baldwin 8398. Rule 6 of the state board of health.

<sup>531</sup> Acts 1907, 1913; Burns 35-117; Baldwin 8400.

<sup>532</sup> See the essay entitled "County Department of Public Welfare."

<sup>533</sup> Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1201; Baldwin, 1937 suppl.,

14078-32.

<sup>534</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1204; Baldwin, 1937 suppl., 14078-35.

<sup>535</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1213; Baldwin, 1937 suppl., 14078-44.

<sup>536</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1203; Baldwin, 1937 suppl., 14078-34.

<sup>537</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1207; Baldwin, 1937 suppl., 14078-33.



condition that if assistance is suspended or if he dies the property will revert to him or his estate, subject to a lien for sums the state has paid to him.<sup>538</sup>

A blind applicant, in order to receive state assistance, must be 21 years old if a male or 18 years old if a female; must be a citizen of the United States; must have lost his eyesight while a resident of the state or have lived in the state 5 of the last 9 years, the last year continuously; must be in need; must not be an inmate of a municipal, state, or national institution; must not have transferred his property within the 5 years immediately before his application; and must not solicit alms while receiving assistance.<sup>539</sup> The amount he receives is determined by the county department after an investigation of his needs<sup>540</sup> and never exceeds \$30 a month<sup>541</sup> except as temporary assistance is given for treatment of his eyes.<sup>542</sup> Blind children may be sent to the school for the blind near Indianapolis.<sup>543</sup>

A dependent or destitute child must have resided in the state 1 year preceding his application for assistance or such child must have been born within the state within such year, his mother having resided in the state 1 year before his birth.<sup>544</sup> The first dependent child may receive \$20, the second child \$18, and each additional child \$12 a month.<sup>545</sup> A destitute child<sup>546</sup> may receive as much as \$23 a month,<sup>547</sup> and is eligible for any other relief he may require.<sup>548</sup> Crippled children may be placed in any public or private hospital

---

<sup>538</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1214; Baldwin, 1937 suppl., 14078-45.

<sup>539</sup> Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1221; Baldwin, 1937 suppl., 14078-52.

<sup>540</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1225; Baldwin, 1937 suppl., 14078-56, 14078-58.

<sup>541</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1223; Baldwin, 1937 suppl., 14078-54.

<sup>542</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1236; Baldwin, 1937 suppl., 14078-67.

<sup>543</sup> Acts 1865; Burns 22-601 *et seq.*; Baldwin 4500 *et seq.*

<sup>544</sup> Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1240, 52-1263; Baldwin, 1937 suppl., 14078-71, 14078-97b.

<sup>545</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1241; Baldwin, 1937 suppl., 14078-72.

<sup>546</sup> Acts 1937; Burns, 1939 suppl., 52-1267; Baldwin, 1937 suppl., 14078-97a.

<sup>547</sup> Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1269; Baldwin, 1937 suppl., 14078-97c.

<sup>548</sup> Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1278; Baldwin, 1937 suppl., 14078-97i.

or be sent to the Riley Hospital at Indianapolis.<sup>549</sup> Diseased and defective children may be placed in any public hospital in the county by the judge of the circuit court.<sup>550</sup> Orphan, dependent, and neglected children under 16 years of age are placed in private homes under the supervision of the county department of public welfare.<sup>551</sup>

No official, in carrying out the provisions of the Welfare Act, may take charge of a child over the objection of a parent or a person standing *in loco parentis* to the child, except pursuant to a court order.<sup>552</sup> Persons receiving aid under the Welfare Act are ineligible for other public relief.<sup>553</sup> Assistance is not transferable, is not subject to legal process, and is not an asset in bankruptcy or insolvency proceedings.<sup>554</sup>

When a recipient of welfare assistance moves to another county in the state with the approval of the state department, there is no suspension of his assistance. The county to which a blind person moves is responsible immediately for the payment of his assistance. In case of the removal of a child or aged person, the county from which he moves is responsible for 1 year and then the other county becomes responsible.<sup>555</sup>

If a person entitled to assistance under the Welfare Act is unable to care for himself, the county department pays his relief money to some responsible person for his benefit.<sup>556</sup> If a recipient of relief dies leaving an estate insufficient to bury him, and the persons legally responsible for his burial are unable to pay the expenses, the county department pays

<sup>549</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1256; Baldwin, 1937 suppl., 14078-87.

<sup>550</sup> Acts 1933; Burns 52-501; Baldwin 5700.

<sup>551</sup> Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1104(c); Baldwin, 1937 suppl., 14078-5(c). Interview of December 11, 1939 with Thurman A. Gottschalk, chief administrator of the state department of public welfare.

Validity of regulations as to bringing nonresident children into the state for care by resident families. *Opinions of the Attorney General of Indiana, 1939*, p. 264.

<sup>552</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1417; Baldwin, 1937 suppl., 14078-130.

<sup>553</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1202, 52-1222; Baldwin, 1937 suppl., 14078-33, 14078-53.

<sup>554</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1210, 52-1231; Baldwin, 1937 suppl., 14078-41, 14078-62.

<sup>555</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1218, 52-1239, 52-1248; Baldwin, 1937 suppl., 14078-49, 14078-70, 14078-79.

<sup>556</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1203, 52-1229; Baldwin, 1937 suppl., 14078-39, 14078-60.

\$75 for his funeral, plus an additional \$25 for a burial lot (if the deceased did not own one).<sup>557</sup>

An appeal may be taken from the county department to the state department of public welfare.<sup>558</sup> Nothing in the Welfare Act relieves any person from liability for the support of a parent, child, or spouse.<sup>559</sup>

The county maintains an asylum for the poor.<sup>560</sup> Pauper residents of the county may be placed therein by township trustees.<sup>561</sup> Nonresident paupers may be kept there temporarily.<sup>562</sup> The law provides that children between the ages of 3 and 17 shall not be kept in the asylum for a period longer than 60 days.<sup>563</sup> Township poor relief is administered by each township trustee.<sup>564</sup> Anyone refused relief by a township trustee has a right to a hearing before the board of commissioners<sup>565</sup> and to an appeal from that board to the circuit court.<sup>566</sup> The board of commissioners may borrow for township poor relief, if the funds available are not sufficient. The township funds are used for paying these loans.<sup>567</sup>

#### PUBLIC WORKS AND PROPERTY

The board of commissioners has power to make orders respecting the property of the county in conformity to law;

---

<sup>557</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1209, 52-1230; Baldwin, 1937 suppl., 14078-40, 14078-61.

Burial of inmates of county infirmary. *Opinions of the Attorney General of Indiana, 1939*, p. 179.

<sup>558</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1211, 52-1232, 52-1246; Baldwin, 1937 suppl., 14078-42, 14078-63, 14078-77.

<sup>559</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1263; Baldwin, 1937 suppl., 14078-94.

<sup>560</sup> Const. 1851, art. 9, sec. 3. 1 Rev. Stat. 1852; Burns 52-201; Baldwin 13360. Acts 1935; Burns, 1939 suppl., 52-146; Baldwin, 1935 suppl., 13320-3.

<sup>561</sup> 1 Rev. Stat. 1852; Burns 52-201; Baldwin 13360. Acts 1935; Burns, 1939 suppl., 52-146, 52-151; Baldwin, 1935 suppl., 13320-3, 13320-8.

<sup>562</sup> Acts 1935; Burns, 1939 suppl., 52-163; Baldwin, 1935 suppl., 13320-20.

<sup>563</sup> Acts 1897, 1901; Burns 22-2608; Baldwin 4388.

<sup>564</sup> Acts 1935, 1939; Burns, 1939 suppl., 52-144 to 52-182a; Baldwin, 1935 suppl., 13320-1 to 13320-38, 13359-11, 13359-12; Baldwin, 1939 suppl., 13320-4, 13320-13. Acts 1937; Burns, 1939 suppl., 52-183 to 52-194; Baldwin, 1937 suppl., 13321-1 to 13321-11, 13320-39.

<sup>565</sup> Acts 1935; Burns, 1939 suppl., 52-160; Baldwin, 1935 suppl., 13320-17.

<sup>566</sup> 1 Rev. Stat. 1852; Burns 26-901; Baldwin 5276.

<sup>567</sup> Acts 1935, 1939; Burns, 1939 suppl., 52-604, 52-609, 52-610; Baldwin, 1935 suppl., 13359-1, 13359-6; Baldwin, 1939 suppl., 13359-7.

to sell the public grounds of the county on which public buildings are situated, and to purchase in lieu thereof, in the name of the county, other grounds in the county seat on which such buildings shall be erected; to purchase other lands for the enlargement of the public square, and to take care of and preserve such property; and to grant licenses, permits, or franchises with respect to the use of the property of the county.<sup>568</sup> No sale, conveyance, or purchase, by the board, of real estate of the value of \$1,000 or more can take place except pursuant to ordinance of the county council authorizing such sale or purchase and fixing the terms and conditions thereof.<sup>569</sup> The board cannot sell county property, real or personal, except at public auction after 60 days' notice by publication and posting.<sup>570</sup>

#### ROADS AND BRIDGES

The board of commissioners has power to construct and maintain roads<sup>571</sup> and bridges.<sup>572</sup> Generally the preliminary procedure for such construction is as follows: Taxpayers file with the board of commissioners a petition requesting the improvement; notice of hearing before the board is published; taxpayers opposing the petition file remonstrances; viewers appointed by the board make inspection and recommendations; damages to landowners are determined; the petition is finally approved; a contract for the work is let; and the damages are paid. In some instances, bonds may be issued for the construction of roads<sup>573</sup> and bridges,<sup>574</sup> and

---

<sup>568</sup> 1 Rev. Stat. 1852, Acts 1935; Burns, 1939 suppl., 26-620; Baldwin, 1935 suppl., 5236.

<sup>569</sup> Acts 1899; Burns 26-534; Baldwin 5399.

<sup>570</sup> Acts 1907; Burns 26-2008; Baldwin 5107.

<sup>571</sup> Acts 1905, 1907; Burns 36-201 *et seq.*; Baldwin 8756 *et seq.* Acts 1919; Burns 36-301 *et seq.*; Baldwin 8859 *et seq.* Acts 1907; Burns 36-401 *et seq.*; Baldwin 8992 *et seq.* Acts 1919; Burns 36-501 *et seq.*; Baldwin 8879 *et seq.* Acts 1923; Burns 36-1001; Baldwin 9020. Acts 1905; Burns 36-1204; Baldwin 8807. Acts 1905; Burns 36-1301 *et seq.*; Baldwin 8787 *et seq.* Acts 1921; Burns 36-1401 *et seq.*; Baldwin 8904 *et seq.*

Budget estimates. Bateman v. State (1938), 214 Ind. 138, 14 N. E. (2d) 1007.

<sup>572</sup> Acts 1905, 1907, 1929; Burns 36-1901; Baldwin 9236. Acts 1905, 1911, 1913; Burns 36-2001; Baldwin 9191. Acts 1903, 1923; Burns 36-2002; Baldwin 9192. Acts 1920; Burns 36-2401 *et seq.*; Baldwin 9151 *et seq.*

<sup>573</sup> Acts 1905; Burns 36-1308; Baldwin 8794. Acts 1921; Burns 36-1435 to 36-1443; Baldwin 8938 to 8946. Acts 1937; Burns, 1939 suppl., 36-332; Baldwin, 1937 suppl., 8859-1.

<sup>574</sup> Acts 1920 (Spec. Sess.); Burns 36-2402; Baldwin 9152. Acts 1927; Burns 36-2421; Baldwin 9171. Acts 1929, 1937; Burns, 1939 suppl., 36-2432; Baldwin, 1937 suppl., 9182. Acts 1927; Burns 36-2441; Baldwin 9128.



special assessment liens charged against the land benefited by the road.<sup>575</sup>

State highways are those roads which have been officially designated as state highways by the state highway commission with the approval of the governor. State highways and the bridges thereon are constructed, reconstructed, and maintained with state and federal funds under the supervision of the state highway commission. Roads not so designated as state highways, and those so designated and thereafter abandoned by the state, are known as county roads. County roads and the bridges thereon are constructed, reconstructed, and maintained with county funds.<sup>576</sup> The county may render financial assistance to the highway commission in the construction or maintenance of any state highway or bridge located wholly within the county, and any bridge (on such highway) over a stream forming the county boundary.<sup>577</sup>

Expenses incurred in the maintenance of county roads may be paid only from funds received by the county from the motor vehicle highway account of the state except that taxes may be levied for such purpose by the unanimous vote of the county council in case of extraordinary emergency or indispensable necessity.<sup>578</sup>

The county surveyor ordinarily prepares the plans and specifications for the construction of county roads and bridges, and has general supervision of such construction. If he is

<sup>575</sup> Acts 1905; Burns 36-1308; Baldwin 8794. Acts 1921; Burns 36-1412 to 36-1414; Baldwin 8915 to 8917.

<sup>576</sup> Acts 1917, ch. 87, secs. 5, 6, 9, 12, 27, 31. Acts 1919, ch. 53, secs. 12, 16, 23, 31. Acts 1933, 1935; Burns, 1939 suppl., 36-107, 35-117, 36-127; Baldwin, 1935 suppl., 8647, 8656, 8665. Acts 1933; Burns 36-110, 36-125, 36-1102; Baldwin 8649, 8663, 8700. Acts 1932 (Spec. Sess.); Burns 36-905; Baldwin 8715. Acts 1937, 1939; Burns, 1939 suppl., 36-2804, 36-2806; Baldwin, 1937 suppl., 8625-4, 8695-6; Baldwin, 1939 suppl., 8695-4. Acts 1937; Burns, 1939 suppl., 36-2912, 36-2913, 36-2920, 36-2921; Baldwin, 1937 suppl., 8696-11, 8696-12, 8696-19, 8696-20. Acts 1939; Burns, 1939 suppl., 36-3013; Baldwin, 1939 suppl., 9175-13.

Township roads transferred to county road system. Acts 1932 (Spec. Sess.), 1933; Burns 36-901 to 36-904; Baldwin 8711 to 8714.

Law transferring township roads to county road system authorized the county to pay previous obligations of townships on such roads, but did not require such payment. Board of County Comrs. v. Farmers State Bank of Eaton (1937), 104 Ind. App. 692, 10 N. E. (2d) 769.

<sup>577</sup> Acts 1923, 1929; Burns 36-136 to 36-141; Baldwin 8672 to 8675, 8678, 8679.

<sup>578</sup> Acts 1932 (Spec. Sess.); Burns 36-905; Baldwin 8715. Acts 1937, 1939; Burns, 1939 suppl., 36-2804; Baldwin, 1939 suppl., 8695-4. Acts 1937; Burns, 1939 suppl., 36-2806; Baldwin, 1937 suppl., 8695-6.

not a competent civil engineer, the board may appoint one to perform such duties.<sup>579</sup>

The county highway supervisor has general supervision of the maintenance and repair of all county roads, bridges, and culverts.<sup>580</sup> He makes maps of all county roads, and gives each road a name or number, so that roads may be efficiently patrolled for making repairs.<sup>581</sup> Between January 1 and April 1 each year the highway supervisor is required to examine hedge fences and other obstructions of view near county roads, and to cause the trimming or removal of any such obstructions which violate the laws.<sup>582</sup> Weeds must be cut and removed from the right-of-ways of county roads each year between June 15 and September 1.<sup>583</sup>

The board of commissioners has power to make suitable rules and regulations covering traffic on county roads, and to take steps necessary to enforce the rules. If such road is on a county line, the board of commissioners of the respective counties, in joint session, may make and enforce the rules.<sup>584</sup> The county surveyor or county highway supervisor may fix the limits of the loads for any road, bridge, or culvert maintained by the county.<sup>585</sup>

#### PUBLIC BUILDINGS

The law provides that the board of commissioners must cause a courthouse, jail, and public offices for the clerk, recorder, treasurer, and auditor to be erected and furnished, where this has not been done; and must keep all the public buildings of the county in repair; and that such offices must be fireproof, if practicable.<sup>586</sup>

For the purpose of acquiring a new courthouse, the board, without appraisement and without authority from the county council, may sell to the state any lands of the county containing public buildings, and buy other land for courthouse

<sup>579</sup> 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

<sup>580</sup> Acts 1933; Burns 36-1102, 36-1110; Baldwin 8700, 8708.

<sup>581</sup> Acts 1933; Burns 36-1109; Baldwin 8707.

<sup>582</sup> Acts 1891, 1921, 1933; Burns 30-301, 30-302; Baldwin 7647, 7648.

<sup>583</sup> Acts 1939; Burns, 1939 suppl., 36-714; Baldwin, 1939 suppl., 8619-1.

<sup>584</sup> Acts 1919; Burns 36-706; Baldwin 8899. Interview of December 29, 1939 with T. A.

Dicus, chairman of the state highway commission.

<sup>585</sup> Acts 1933; Burns 36-1102, 36-1110; Baldwin 8700, 8708. Interview of December 29, 1939

with T. A. Dicus, chairman of the state highway commission.

<sup>586</sup> 1 Rev. Stat. 1852; Burns 26-624; Baldwin 5240.

grounds. The proceeds of sale can be used only for the purchase of the land and construction of the courthouse. Additional funds for such purpose may be raised by issuing bonds or notes.<sup>587</sup>

If the courthouse or jail is wholly or partly destroyed by fire or windstorm, it may be reconstructed or repaired by the board; bonds may be issued therefor; and a tax may be levied to retire the bonds.<sup>588</sup>

County buildings, not needed by the courts or for county business, may be leased to the city or town in which such buildings are located for a term not exceeding 10 years in any one lease,<sup>589</sup> or to private persons or corporations for a term not exceeding 5 years.<sup>590</sup>

The board may construct and maintain public halls, and provide a custodian, janitor, lights, and heat therefor; and may join with a city for such purpose, or sell such halls to a city or town.<sup>591</sup> The board may erect soldiers' monuments,<sup>592</sup> memorial buildings, auditoriums, and coliseums.<sup>593</sup> A township schoolhouse may be used for certain public meetings, with the consent of the township trustee.<sup>594</sup> A schoolhouse no longer used as such, because of the abandonment of the school or its consolidation with another school, may be reconstructed for use as a community house, on application of 51 percent of the resident freeholders of the school district.<sup>595</sup>

Contracts for construction of public buildings may be let by the board of commissioners in pursuance of appropriation by the county council,<sup>596</sup> after plans and specifications adopted by the board have remained in the auditor's office 30 days open to public inspection, notice inviting bids has been published, and bids, affidavits, and bonds have been received from bidders.<sup>597</sup>

<sup>587</sup> Acts 1917, 1920 (Spec. Sess.); Burns 26-2201 to 26-2210; Baldwin 5165 to 5174.

<sup>588</sup> Acts 1935; Burns, 1939 suppl., 26-2011; Baldwin, 1939 suppl., 5240-1.

<sup>589</sup> Acts 1909; Burns 26-1801 to 26-1804; Baldwin 5151 to 5154.

<sup>590</sup> Acts 1919; Burns 26-1805 to 26-1810; Baldwin 5155 to 5160.

<sup>591</sup> Acts 1903, 1913; Burns 26-1901 to 26-1906; Baldwin 5146 to 5164.

<sup>592</sup> Acts 1865, 1891; Burns 26-1701; Baldwin 5298.

<sup>593</sup> Acts 1913; Burns 26-1707; Baldwin 5122.

<sup>594</sup> Acts 1859; Burns 28-3307; Baldwin 6094. Acts 1913; Burns 28-3308 to 28-3311; Baldwin

6095 to 6098. *Opinions of the Attorney General of Indiana, 1939*, p. 172.

<sup>595</sup> Acts 1939; Burns, 1939 suppl., 28-3320; Baldwin, 1939 suppl., 6195-1.

<sup>596</sup> Acts 1899; Burns 26-525; Baldwin 5239.

<sup>597</sup> Acts 1899; Burns 26-537; Baldwin 5402. Acts 1907; Burns 26-2001 to 26-2005; Baldwin 5100 to 5104.

## DRAINAGE

Drainage districts and special assessment liens on the land in the benefited area, to pay for the drainage, may be established by the circuit court on petition of landowners, after being referred to the county surveyor and viewers appointed by the court.<sup>598</sup> The petition will be dismissed if owners of two-thirds of the affected land remonstrate within 20 days.<sup>599</sup> If the original assessment is insufficient to complete the work, an additional assessment may be ordered after report of the surveyor, notice to the landowners, and hearing by the court.<sup>600</sup> After assessments are adjusted and confirmed, they are placed on the ditch duplicate and collected in the manner in which taxes are collected.<sup>601</sup>

The county surveyor has general supervision of the construction and maintenance of all ditches, drains, and levees. He makes all necessary surveys, maps, plans, and specifications when a court grants petitions for construction.<sup>602</sup> The law requires that open ditches be cleaned out and repaired biennially, and that weeds, willows, and debris be removed therefrom annually, and that public tile drains be repaired whenever necessary.<sup>603</sup>

The board of commissioners may (by purchase, grants, donations, or eminent domain) acquire lands and rights necessary to obtain a right-of-way for drainage or easement for sewers, when necessary for the proper maintenance of any county building or institution.<sup>604</sup>

## OTHER PUBLIC PROPERTY

The board of commissioners may, without petition, purchase or otherwise acquire lands within the county for park

---

<sup>598</sup> Acts 1933; Burns 27-104, 27-109, 27-116, 27-124; Baldwin 5740, 5745, 5752, 5770. *Penn v. Ducomb* (1933), 213 Ind. 133, 12 N. E. (2d) 116.

<sup>599</sup> Acts 1933; Burns 27-108; Baldwin 5744.

<sup>600</sup> Acts 1933; Burns 27-122; Baldwin 5758.

<sup>601</sup> Acts 1933; Burns 27-134; Baldwin 5770.

The circuit court has no power to collect these assessments as part of the proceedings for establishment of the drainage district. *Penn v. Ducomb* (1938), 213 Ind. 133, 12 N. E. (2d) 116.

<sup>602</sup> Acts 1933; Burns 27-101, 27-201; Baldwin 5737, 5775. 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

<sup>603</sup> Acts 1933, 1935; Burns, 1939 suppl., 27-203, 27-210; Baldwin, 1935 suppl., 5777, 5784. Acts 1939; Burns, 1939 suppl., 27-233; Baldwin, 1939 suppl., 5794-9. *Opinions of the Attorney General of Indiana, 1939*, p. 292.

<sup>604</sup> Acts 1937; Burns, 1939 suppl., 26-640; Baldwin, 1937 suppl., 5236-1.



purposes and make the necessary improvements thereon.<sup>605</sup> If 200 persons, who are taxpayers and voters, petition the board to acquire land for park purposes, the board gives 60 days' notice by publication and conducts a public hearing on the question. If 20 percent of the resident taxpayers file remonstrances on or before the day fixed for hearing, the petition will be dismissed.<sup>606</sup> The board may acquire land to convey to the state for park purposes, on petition of 200 persons who are taxpayers and voters, after (a) publication of 30 days' notice, (b) public hearing, (c) consent of the governor and the director of the state department of conservation, (d) fixing a tax levy, and (e) issuing bonds (if needed). The petition will be dismissed if 25 percent of the resident taxpayers file remonstrances before the date fixed for hearing.<sup>607</sup>

The board of commissioners may acquire, by purchase or gift, any lands within the county for the purpose of a permanent public forest.<sup>608</sup> Purchase for such purpose may be made on petition signed by 50 or more freeholders of the county, after publication of notice, a public hearing, and fixing a tax levy to pay for the same. Money may be raised by bond issue or temporary loan.<sup>609</sup> A gift of lands to the county on condition that they be maintained as a public forest can be accepted only by a majority of the board of commissioners and county council in joint session.<sup>610</sup> Any aggrieved taxpayer may appeal to the circuit court.<sup>611</sup>

Swamplands, saline lands, and meander lands, owned by the state, may be purchased by the county (acting through the board of commissioners) to be used for a public park or public forest, or both, on petition to the circuit court, appraisal of lands, and payment of value.<sup>612</sup>

The board may permit county lands within 1½ miles of a city or town to be used by such city or town for park purposes. Title to the land remains in the county.<sup>613</sup>

The board, on petition of a majority of the voters in the

<sup>605</sup> Acts 1923, 1927; Burns 26-1501; Baldwin 5199.

<sup>606</sup> Acts 1923; Burns 26-1503, 26-1504; Baldwin 5201, 5202.

<sup>607</sup> Acts 1927; Burns 26-1512, 26-1516; Baldwin 5190 to 5194.

<sup>608</sup> Acts 1929; Burns 32-101; Baldwin 4875.

<sup>609</sup> Acts 1929, 1935; Burns, 1939 suppl., 32-102; Baldwin, 1935 suppl., 4876.

<sup>610</sup> Acts 1929; Burns 22-105; Baldwin 4879.

<sup>611</sup> Acts 1929, 1935; Burns, 1939 suppl., 32-109; Baldwin, 1935 suppl., 488-1.

<sup>612</sup> Acts 1929; Burns 62-217 to 62-225; Baldwin 15260 to 15268.

<sup>613</sup> Acts 1911; Burns 26-1526 to 26-1531; Baldwin 5181 to 5186.

county, may purchase land to be used for fairgrounds,<sup>614</sup> and thereafter sell such land or any part thereof, if it is no longer an eligible location for fairs.<sup>615</sup>

The county may, separately or in conjunction with another county or city, acquire, maintain, and dispose of airports and appurtenances thereto.<sup>616</sup>

Lands conveyed to the board of commissioners for the purpose of a public or private cemetery must be held by the board forever in trust for such purpose,<sup>617</sup> subject to the exceptions hereinafter stated. The board may convey any such public cemetery to any city or town within the vicinity thereof on application of such city or town,<sup>618</sup> and may convey any such public or private cemetery to a cemetery association on petition of a majority of the persons, being residents of the county and heads of families, whose dead are buried in the cemetery.<sup>619</sup>

#### AGRICULTURE

The constitution provides that improvement of agriculture shall be encouraged.<sup>620</sup> Allowances may be made out of the county's general fund to agricultural societies for the promotion of agricultural and horticultural interests.<sup>621</sup> Monroe County has a county agricultural agent and a home demonstration agent, for the improvement of agriculture, home economics, and rural life. The agricultural agent, under the supervision of Purdue University, co-operates with farmers' institutes, farmers' clubs, and other rural and civic organizations; conducts practical farm demonstrations, boys' and girls' clubs and contest work, and other movements for the advancement of agricultural and country life; gives advice to farmers on practical farm problems; and aids the superintendents of schools and the teachers of the county in giving practical education in agriculture and domestic science. The home demonstration agent, working in close co-operation

---

<sup>614</sup> Acts 1873; Burns 26-1517, 26-1518; Baldwin 5330, 5331.

<sup>615</sup> Acts 1873; Burns 26-1519; Baldwin 5332.

<sup>616</sup> Acts 1920 (Spec. Sess.), 1921; Burns 14-301 to 14-306; Baldwin 4021, 4023, 4026.

<sup>617</sup> 1 Rev. Stat. 1852; Burns 25-1521; Baldwin 10600.

<sup>618</sup> Acts 1905; Burns 48-6003; Baldwin 12665.

<sup>619</sup> Acts 1881 (Spec. Sess.); Burns 21-210, 21-211; Baldwin 4626, 4627.

<sup>620</sup> Const. 1851, art. 8, sec. 1.

<sup>621</sup> Acts 1877; Burns 15-314; Baldwin 5333.

with the agricultural agent, directs all home economic extension work, both adult and junior, including girls' 4-H clubs, and co-operates with the county schools.<sup>622</sup>

#### RECORDS SYSTEM

The records of Monroe County began with its creation in 1818. The establishment of each of the county offices and bureaus inaugurated their records which were kept in such fashion as the incumbents saw fit, following in the main the directions of the general assembly under the provisions for each office.

In 1909 the legislature established the state board of accounts, which formulates, prescribes, and installs systems of accounting and reporting which are uniform for every public office of the same class.<sup>623</sup> Under this law some of the records were combined to eliminate separation, duplication, and overlapping. The board also permits the use of bound loose-leaf records in almost all cases where the records are typed. The quality of the paper and ink and the binding and rebinding practices are left to the judgment of the board of commissioners, except that a good quality is required.<sup>624</sup>

An act of 1937 provides that the board of commissioners may provide for the installation of a modern tax-accounting system in the offices of the treasurer and auditor, after a description thereof has been approved by the board of commissioners and certified to, and approved by, the state board of accounts.<sup>625</sup> No system has been established in Monroe County under authority of this law.<sup>626</sup>

Whenever it may be necessary for the preservation of the records of the circuit court or any county office, it is the duty of the board of commissioners to order the officer in charge of such records to copy and transcribe the same.<sup>627</sup>

---

<sup>622</sup> U. S. C., title 7, secs. 341 to 343, 344 to 348 (law of 1914). Acts 1913, 1923, 1927, 1937; Burns, 1939 suppl., 28-4911; Baldwin, 1937 suppl., 6457. Acts 1931; Burns 28-5627; Baldwin 6475. Interview of December 1, 1939 with Floyd I. McMurray, state superintendent of public instruction. See the essay entitled "County Agricultural Agent."

<sup>623</sup> Acts 1909; Burns 60-202, 60-224; Baldwin 13855, 13875.

<sup>624</sup> Interview of February 28, 1940 with E. P. Brennan, state examiner.

<sup>625</sup> Acts 1937; Burns, 1939 suppl., 60-238 to 60-240; Baldwin, 1937 suppl., 15868-1 to 15868-3.

<sup>626</sup> Interview of May 18, 1939 with E. P. Brennan, state examiner.

<sup>627</sup> Acts 1877; Burns 26-634; Baldwin 5339.

In the event of the loss or destruction, in whole or in part, of any of the county records, they must be replaced as follows: (a) The board of commissioners must send to the governor a certified list of such records furnished by the state, and he must order the proper state officer to replace them. (b) Records compiled in the county must be restored, if possible, from original documents by the county officer who had custody of the original records. (c) If impossible to duplicate the old records, new records must be made on evidence taken from parties having knowledge of the facts concerned, by the proper officer or by a commissioner appointed by the board of commissioners for that purpose.<sup>628</sup>

In 1925 a law was passed permitting county officials, at their discretion, to turn over to the archives division of the Indiana State Library, for permanent preservation, any official books, records, documents, original papers, newspaper files, or printed books and material not in current use in their offices.<sup>629</sup> County officials have only occasionally availed themselves of this provision for permanent preservation of their old records.

An act of 1927 provided that deeds, mortgages, and other instruments may be recorded by a photographic process adopted by the board of commissioners.<sup>630</sup> The photographic method of recording has never been used generally by any Monroe County officer.

In 1937 the general assembly authorized the director of the state library, at his discretion, to make a copy, by photography or in any other way, of any official book, record, document, original paper, newspaper, or printed book or material in any county, city, or other public office, for preservation in the state archives. All public officials must permit such copies to be made.<sup>631</sup>

In 1939 the legislature created in each county a commission of public records, consisting of the judge of the circuit court, the president of the board of commissioners, the county auditor, and the clerk of the circuit court. The commission must classify county records on the following basis: (a)

---

<sup>628</sup> 2 Rev. Stat. 1852, Acts 1865; Burns 57-101 to 57-124; Baldwin 1168 to 1191. Acts 1881; Burns 57-208 to 57-210; Baldwin 1165 to 1167. Acts 1893; Burns 57-125, 57-211 to 57-214; Baldwin 1197, 1192 to 1195.

<sup>629</sup> Acts 1925, 1937; Burns, 1939 suppl., 63-830; Baldwin, 1937 suppl., 10287.

<sup>630</sup> Acts 1927; Burns 49-3207; Baldwin 14667.

<sup>631</sup> Acts 1925, 1937; Burns, 1939 suppl., 63-830; Baldwin, 1937 suppl., 10287.



Public records no longer of official or historical value; (b) public records which are of current official value and should be retained in the office where they are required to be filed; (c) public records of official value but which are consulted and used so infrequently that they are no longer of appreciable value to the officer with whom they are required to be filed; and (d) public records having historical value but no apparent official value. Records of class (a), which occupy space to no purpose in the offices and storerooms of the county, must, 3 years from the time they were originally filed (unless a law requires that they be kept for a longer period of time), be destroyed or otherwise disposed of, unless a law prohibits their destruction and unless such records are then in frequent use by the officer having charge of the office in which they are located. Records of class (b) will be retained in the office in which they were required to be filed. Records of classes (c) and (d) must be transferred to the state library 3 years after the date of the filing of such records, unless they are then in frequent use by the officer in charge of the office where they are located. In the event of such transfer, the records of class (c) will be added to the "archives" of the library while those of class (d) will constitute a part of the "collection" of such library.<sup>632</sup>

An act of 1935 created, in the executive department of the state, a "commission on public records," consisting of the governor, secretary of state, state examiner, director of the state library, and director of the historical bureau. This act is almost identical with the act of 1939 creating a "commission of public records" in each county, except as to the provisions as to what officers shall be ex officio members of the commission.<sup>633</sup>

### 3. HOUSING, CARE, AND ACCESSIBILITY OF THE RECORDS

At a special session of the board of commissioners begun on the 1st day of the legal life of the county, April 10, 1818, the board ordered that a temporary courthouse be erected

---

<sup>632</sup> Acts 1939; Burns, 1939 suppl., 49-3701 to 49-3710; Baldwin, 1939 suppl., 5492-1, 5492-10.

See the essay entitled "Commission of Public Records."

<sup>633</sup> Acts 1935; Burns, 1939 suppl., 63-1901 to 63-1910; Baldwin, 1935 suppl., 15400-1 to 15400-

10. *Opinions of the Attorney General of Indiana, 1939*, p. 259.

in the town of Bloomington, the building to be completed "without exception" by August 1 following. The specifications called for a one-story log structure built "after the manner of a double cabin," the two rooms, each 20' long and their widths to be 20' and 12' respectively, to be separated by a 10-foot entry. The entire structure was to be under a single roof. The rooms were to be entered by doors opening on the entry and windows were to be placed at the discretion of the builder. By way of paying for the same, the county agent was instructed to give "his obligation on behalf of the county," one half to be paid on August 1, 1818 and the remainder on January 1 following.<sup>1</sup> Samuel Elliot, to whom the contract was awarded, completed the building by the time specified and it was accepted at the August term of the board.<sup>2</sup>

On February 11, 1819 the board ordered that a permanent courthouse be erected on the public square in Bloomington.<sup>3</sup> A plan submitted by William Lowe and accepted by the board provided for a two-story brick structure to be built on a foundation of stone. Its east and west dimension was to be 45' and its north and south dimension to be 40'. There were to be doors on the north, west, and south sides opening into the courtroom along the east wall of which the judge's bench and jury box were to be arranged. Stairways on the north and south sides were to lead to a hallway above which extended the entire length of the building, dividing the second story into two parts. One of these parts was to be divided into two rooms and the other into three rooms. On the east side of the building there were to be eight windows, four in each story. On each of the other three sides there were to be five windows, one on each side of the door and three in the second story. A cupola 10' in diameter and extending 12' above the roof was to surmount the structure.<sup>4</sup>

The building was "cried" on the 2nd Monday in May 1819. Robert Stafford was the lowest bidder but failed to furnish acceptable bond and the contract was let to John Ketchum for \$7,965. For the proper fulfillment of the contract Ketchum gave bond for \$20,000, with Robert Stafford, Roderick Rawlings, and John Storm as sureties.<sup>5</sup>

---

<sup>1</sup> Commissioners' Record, A:4.

<sup>2</sup> *Ibid.*, 13.

<sup>3</sup> *Ibid.*, 53.

<sup>4</sup> *Ibid.*, 53-58.

<sup>5</sup> *Ibid.*, 59.

At its August term the board ordered that Ketchum be allowed \$1,000 as part payment for constructing the building.<sup>6</sup> At a special session held in the same month he was granted a year's extension of the time specified for the completion of the structure.<sup>7</sup> In February 1820 the board ordered that the judge's bench be placed on the north end of the courtroom instead of along the east side as planned and that the arrangement of doors, windows, etc., be correspondingly modified.<sup>8</sup> In July it was ordered that there be only three windows in the wall to the rear of the judge's bench instead of four as originally provided.<sup>9</sup> At the same session of the board it was ordered that the "cubillo" be constructed strong enough to support a bell weighing 150 pounds.<sup>10</sup>

A difference of opinion evidently developed over the building of the cupola, for in August 1821 the board ordered "that David Armstrong be engaged to build, erect and completely finish a cubola on the publick Court House according to the plan by him devised and presented to the board in lieu of the one formerly contemplated in the original contract with John Ketchum."<sup>11</sup> A year later it was ordered "that John Ketchum be and he is hereby exempted from any damages accruing by lengthening the cubillo or any other part of the court house in consequence of the alteration of the cubillo from the original plan."<sup>12</sup> In May 1823 the board instructed the county agent to sell the old courthouse to James Matlock for \$12.<sup>13</sup> In March 1825 the new courthouse was accepted by the board "so far as the same has progressed."<sup>14</sup> In November of the same year Austin Seward was engaged to paint the building "a brilliant Brick Color" and to "pencil" it with white lead.<sup>15</sup>

In September 1828 a committee consisting of James Bowland, William Alexander, and David Kellough was appointed by the board to make the final settlement for constructing

---

<sup>6</sup> *Ibid.*, 75.

<sup>7</sup> *Ibid.*, 85.

<sup>8</sup> *Ibid.*, 130.

<sup>9</sup> *Ibid.*, 152, 153.

<sup>10</sup> *Ibid.*, 150.

<sup>11</sup> *Ibid.*, 200.

<sup>12</sup> *Ibid.*, 251.

<sup>13</sup> *Ibid.*, 230.

<sup>14</sup> *Ibid.*, B:16.

<sup>15</sup> *Ibid.*, 37.

the courthouse.<sup>16</sup> In November following the committee reported that there was still owing to Ketchum \$331.36. For reasons not made clear in the record Ketchum was granted an additional sum of \$2,912.<sup>17</sup> In May 1835 another committee consisting of William Alexander, John W. Lee, Jesse Rennean, and Joseph Bough was appointed "to settle with John Ketcham on all claims, or supposed to be held by said Ketcham for himself or in trust for others against the county..."<sup>18</sup> In March 1837 the committee advised settlement with Ketchum for \$60.<sup>19</sup>

In July 1825 the board ordered the letting of the contract for a building on the public square to be used for a library and county clerk's office, the building to be a two-story brick structure consisting of two rooms.<sup>20</sup> The contract for the brick work was let to Samuel Dunning. By November Dunning had completed the work and was released by the board from further responsibility.<sup>21</sup> In March 1826 the woodwork was accepted from Zachariah Williams.<sup>22</sup> In May the board ordered that the clerk's office and the library be transferred to the new building.<sup>23</sup>

In 1856-58 two wings were built on the courthouse at a cost of \$7,000. Alterations were also made in 1884, at which time the building was declared to be as good as the day it was built.<sup>24</sup>

In the summer of 1819 preparations were being made for the building of the county's first jail. At a special session of the board held in August of that year, a committee consisting of Wesley Whitson, Samuel Herryman, and David H. Maxwell was appointed to inspect bricks made for that purpose.<sup>25</sup> The treasurer's report for that year lists \$985 appropriated for the building of the jail.<sup>26</sup> At the same session the board granted Roderick Rawlings, to whom the contract had been awarded,

---

<sup>16</sup> *Ibid.*, 169.

<sup>17</sup> *Ibid.*, 174.

<sup>18</sup> *Ibid.*, C:204.

<sup>19</sup> *Ibid.*, 297.

<sup>20</sup> *Ibid.*, B:31.

<sup>21</sup> *Ibid.*, 37.

<sup>22</sup> *Ibid.*, 51.

<sup>23</sup> *Ibid.*, 53.

<sup>24</sup> *History of Lawrence and Monroe Counties, Indiana* (Indianapolis, Indiana, 1914), 240, 241.

<sup>25</sup> Commissioners' Record, A:87.

<sup>26</sup> *Ibid.*, 93.



until February 1, 1820 for the jail's completion.<sup>27</sup> By that time \$2,926.75 had been paid Rawlings on his contract.<sup>28</sup> In May 1820 David H. Maxwell, Enos Blair, and Jonathan Nichols were constituted a committee "to examine into the sufficiency of the jail." They reported that the dungeon was sufficient, that the criminals' room would probably do, but that the debtors rooms were insufficient.<sup>29</sup>

In the following August a committee composed of Lewis Noel, Joseph Berry, William D. McCullough, John Thompson, and Ellis Stone was appointed to examine the jail. They reported that \$186.67 would be required to make the jail "sufficient."<sup>30</sup> In December 1820 the board ordered that "Rawlings be and he is hereby instructed to furnish as soon as possible jail locks (instead of the present) according to the former order. And that he be served with a copy of this order."<sup>31</sup> At a special session held in May 1823 it appeared to the board that \$80 would be required to finish the roof of the jail according to contract. This together with money appropriated to his own use left Rawlings owing the county \$248.40. At this time a final settlement was made with Rawlings and the board ordered the clerk to deliver to Rawlings his bond.<sup>32</sup> That the jail was still not "sufficient" as indicated by an order of May 1825 that Austin Seward be employed to make six new locks for the jail doors, at \$5 each.<sup>33</sup>

In March 1837 a committee consisting of John Bowland, E. T. Butler, William S. Wright, Samuel Hardesty, John Bough, and John W. Lee was named by the board to contract for a new jail "on the best and most convenient plan and terms that they can devise...."<sup>34</sup> In March 1843 Lewis Bollman, George H. Johnston, and Benjamin Rogers were constituted a committee "to make a full and thorough investigation as soon as possible of the receipts and disbursements of the county orders which appear to have been paid once at the Treasury or redeemed and since that time put in circulation again."<sup>35</sup>

---

<sup>27</sup> *Ibid.*, 107.

<sup>28</sup> *Ibid.*, 120.

<sup>29</sup> *Ibid.*, 152.

<sup>30</sup> *Ibid.*, 163.

<sup>31</sup> *Ibid.*, 178.

<sup>32</sup> *Ibid.*, 290.

<sup>33</sup> *Ibid.*, B:19.

<sup>34</sup> *Ibid.*, C:303.

<sup>35</sup> *Ibid.*, D:306.

The committee reported to the board at its December session that the principal orders had been issued to Hardesty and Graham for the building of the jail. After a careful examination of the Commissioners' Record they could not find by whom the jail was to have been built. All that the clerk was kind enough to enter on his record, or that the board seemed to require of him, was one order to Hardesty and Graham for \$850, one for \$500, and another allowing interest on \$500 yet due them. They were told, they said, that an outside agreement had been entered into between a committee of the county board and Messrs. Hardesty and Graham relative to the building of the jail but a thorough search had failed to find it or any other paper that might give them the desired information. They called on Hardesty and Graham who told them that they had received \$2,450 for building the jail; that they had received orders at various times but that they had received no interest. Hardesty was asked if he kept a book account of his transactions with the board. He replied that he did not and that the transactions were kept in his head. The clerk employed the same method. "And thus was a transaction, involving an expenditure of hundreds of dollars and continuing through two or three years conducted," the committee added. An examination of the county treasurer's books revealed that orders totaling \$3,041.70½ had been paid.<sup>36</sup> A complete description of the building seems not to have been committed to the records but from a report of the grand jury we learn that it was a two-story building.<sup>37</sup>

In 1869 bids were received for the building of the county's third jail. The specifications called for a combined sheriff's residence and jail, the structure to be built of stone and brick. The contract for the stonework was awarded to George Finley and Company for \$6,998; Adams and Denton bid in the brickwork for \$4,000. The prison was to be 34' by 41', the guard room 14' by 33', and the residence 20' by 44'.<sup>38</sup>

The next jail was located on the west side of Walnut Street between Fourth and Fifth Streets. It too combined the sheriff's home with the jail, the former a three-story brick structure, and the latter being of stone.<sup>39</sup>

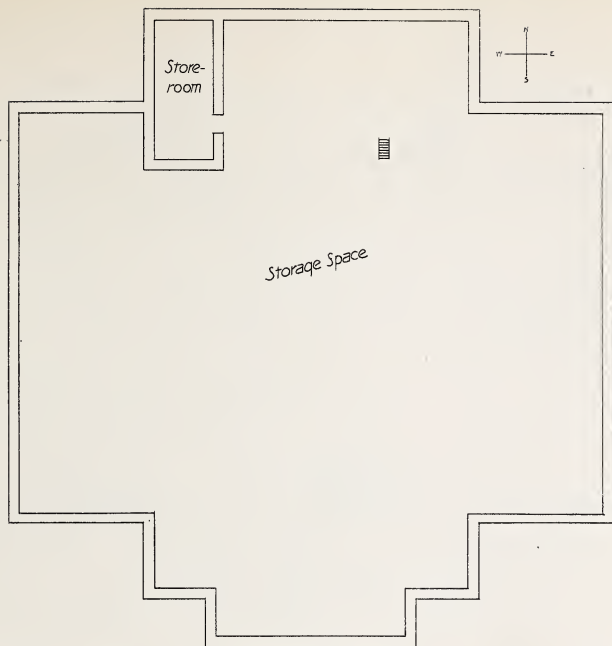
---

<sup>36</sup> *Ibid.*, 345-357.

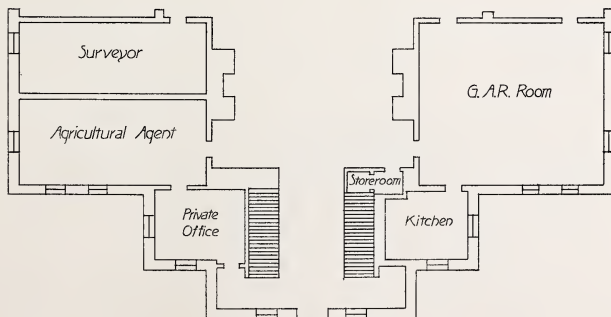
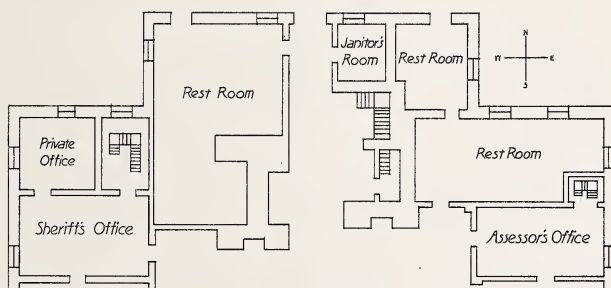
<sup>37</sup> *Ibid.*, E:306.

<sup>38</sup> Charles Blanchard, editor, *Counties of Morgan, Monroe and Brown, Indiana* (Chicago, Illinois, 1884), 384.

<sup>39</sup> *History of Lawrence and Monroe Counties, Indiana*, 241.



**BASEMENT, MONROE COUNTY COURTHOUSE**



**FIRST FLOOR, MONROE COUNTY COURTHOUSE**

The building of the present jail, fifth of the county, became necessary when the county's fourth burned in the spring of 1935. A petition of the board of commissioners to the Federal Emergency Relief Administration was granted, the United States Government agreeing to assist to the extent of 45 percent of the cost, the maximum grant to be \$42,225. The building was constructed in 1936 by the Krebay Construction Company (Indianapolis) of Indiana limestone, at a cost to the county of about \$95,000.<sup>40</sup>

The present courthouse was ordered March 6, 1906 and completed June 1, 1908 at a cost of about \$250,000, the work being done by George W. Caldwell and Lester Drake, contractors, Columbus, Indiana, according to plans furnished by Marshall S. Mahurin and Guy M. Mahurin, architects, Fort Wayne, Indiana. It is an Indiana limestone structure, 110' by 110' and three stories in height.<sup>41</sup> Flooring is of concrete.

A room-by-room description of the present housing of county records follows:

*Board of Commissioners.* Ninety-one percent of the records are in the record room of the auditor and treasurer, 6 percent in the auditor's office, and 3 percent in the basement storage room.

*County Council.* Fifty percent of the records are in the record room of the auditor and treasurer and the remainder in the auditor's office.

*Clerk of the Circuit Court.* The clerk's office, measuring 33' by 24', is situated in the northwest corner of the second floor. The room contains 42' of bound volumes on wall shelves; 180' of unbound materials are arranged in file boxes 13" deep. The adjoining clerk's record room, measuring 30' by 12', contains 637' of bound volumes on steel shelves along the walls and in the center of the room, and 412' of unbound materials (the latter in 13-inch file boxes). Seventy-three percent of the records are in the clerk's record room, 2 percent in the clerk's office, and 25 percent in the basement storage room. There is adequate provision for expansion.

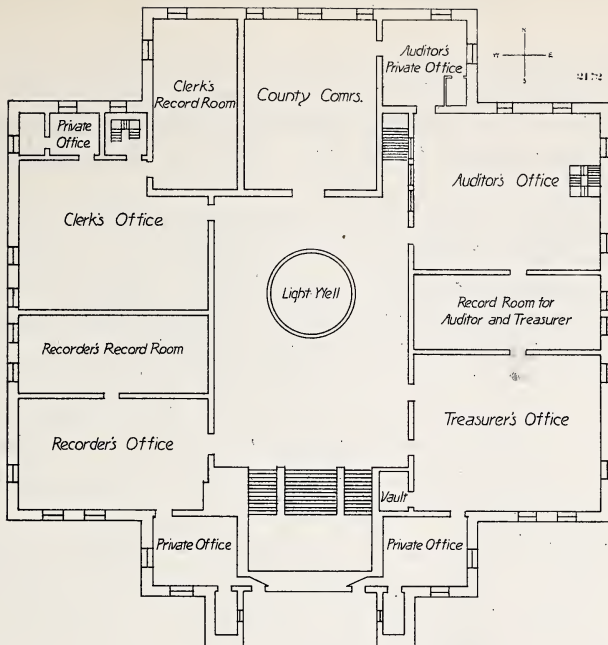
*Recorder.* Measuring 33' by 17', the recorder's office lies in the southwest corner of the second floor. It houses nearly 24 percent of the records, which consist of 18' of bound volumes arranged on steel wall shelving and beneath a wood counter in the center of the room, and 25' of unbound materials

---

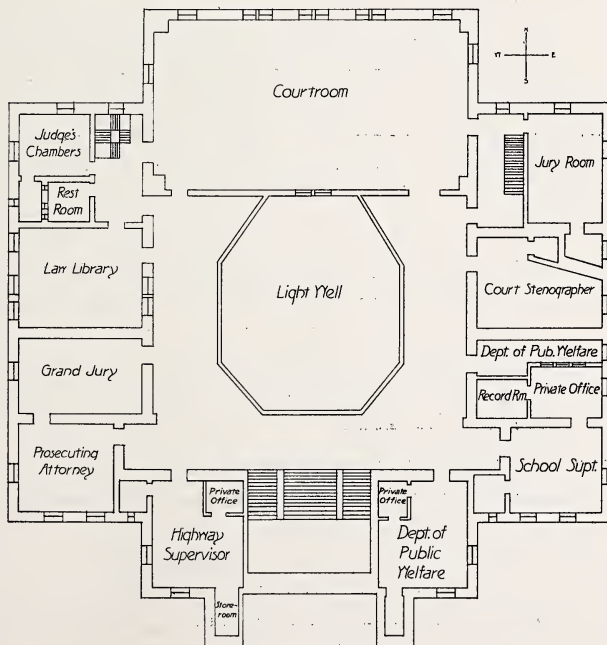
<sup>40</sup> Commissioners' Record, Y:109-132.

<sup>41</sup> *History of Lawrence and Monroe Counties, Indiana*, 240.





THIRD FLOOR, MONROE COUNTY COURTHOUSE



SECOND FLOOR, MONROE COUNTY COURTHOUSE

in 15-inch file boxes. The adjoining record room, 33' by 12', houses 76 percent of the records, consisting of 603' of bound volumes and 14' of unbound materials, arranged on wall shelving and in file boxes 13" deep. One map is in the basement storage room.

*Circuit Court.* Sixty-one percent of the records are in the clerk's record room, 25 percent in the clerk's office, 11 percent in the basement storage room,  $\frac{1}{2}$  of 1 percent in the attic storage room, and  $2\frac{1}{2}$  percent in the basement of the Indiana University Library, Bloomington, Indiana.

*Sheriff.* The sheriff's office, measuring 24' by 15', lies in the northwest corner of the first floor. Fifty-three percent of the records are in the sheriff's office, 46 percent in the basement storage room, and 1 percent in the basement of the Indiana University Library.

*Coroner.* Fifty percent of the records are in the private physician's office of the incumbent, Dr. Hugh S. Ramsey, located in the Turner Hotel Bldg., Bloomington, and the remainder in the clerk's record room.

*Prosecuting Attorney.* All the records are in the prosecuting attorney's office, a room 14' by 14' in the southwest corner of the third floor.

*County Assessor.* The assessor's office, measuring 23' by 12', is located in the northwest corner of the first floor. It contains 50' of bound volumes (arranged on wall shelving), representing 97 percent of the records. One percent is in the record room of the auditor and treasurer and 2 percent in the basement storage room.

*County Board of Review.* Fifty percent of the records are in the record room of the auditor and treasurer, 25 percent in the auditor's office, and 25 percent in the basement storage room.

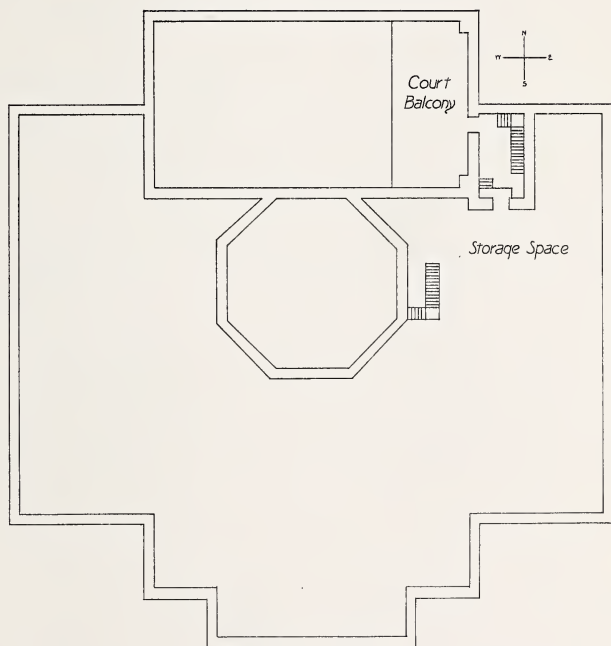
*County Board of Tax Adjustment.* Fifty percent of the records are in the record room of the auditor and treasurer, and the remainder in the auditor's office.

*Board of Finance.* Eighty percent of the records are in the record room of the auditor and treasurer, and 20 percent in the auditor's office.

*County School Fund Board.* Ninety-seven percent of the records are in the record room of the auditor and treasurer, 2 percent in the auditor's office, and 1 percent in the basement storage room.

*Treasurer.* The treasurer's office, lying in the southeast corner of the second floor, measures 33' by 24' and contains

70' of bound volumes on steel shelving and 11' of 19-inch file boxes. The adjacent record room, used by both the auditor and treasurer, measures 33' by 12' and contains 624' of bound volumes on steel shelving and 137' of file boxes 13" deep. There is room for additional shelving. Two percent of the treasurer's records are in the treasurer's office, 10 percent in the record room of the auditor and treasurer, 49 percent in the attic storage room, 20 percent in the basement storage room, and 19 percent in the basement of the Indiana University Library.



ATTIC, MONROE COUNTY COURTHOUSE

*Auditor.* The auditor occupies the northeast corner of the second floor. The main office measures 33' by 24' and contains 66' of bound volumes on steel shelves and 81' of 16-inch file boxes. There is space for additional shelving. Three percent of the records are in the auditor's office, 16 percent in the record room of the auditor and treasurer, 57 percent in the basement storage room, 15 percent in the attic storage room, and 9 percent in the basement of the Indiana University Library.

*Registration Officer.* Forty-eight percent of the records are in the clerk's office, 51 percent in the meeting room of the

board of commissioners, and 1 percent in the clerk's record room.

*Board of Primary Election Commissioners, County Board of Canvassers, County Board of Election Commissioners.* All the records are in the clerk's record room.

*County Board of Education.* All the records are in the office of the county superintendent of schools.

*County Superintendent of Schools.* The superintendent's office, measuring 14' by 14', lies in the southeast corner of the third floor. It contains 45' of 15-inch file boxes. The adjoining record room, 10' by 12', contains 7' of shelves. Ninety-five percent of the records are in the superintendent's office and 5 percent in the record room.

*County Health Officer.* Ninety-six percent of the records are in the private physician's office of the incumbent, Dr. Floyd Rogers, located at 210 North Washington Street, Bloomington. Two percent are in the clerk's record room, and the remainder in the basement storage room.

*Public Health Nurse.* All the records are in the nurse's office, located at 114 East Third Street, Bloomington.

*County Department of Public Welfare.* The welfare office is in the south wing of the third floor. It measures 16' by 14' and contains 8' of bound volumes on steel shelving and 32' of steel file cases 2' deep. There is no room for expansion.

*Surveyor.* The surveyor's office lies in the southwest corner of the first floor. It measures 33' by 12' and contains 2' of bound volumes and 3' of 14-inch file boxes. There is adequate room for expansion. Ninety-one percent of the records are in the auditor's office, 2 percent in the surveyor's office, and 7 percent in the basement storage room.

*County Highway Supervisor.* The office lies in the southwest corner of the third floor. It measures 14' by 14' and houses 5' of bound volumes and 4' of file cases 2' deep. There is room for future expansion.

*County Agricultural Agent.* The agricultural agent's office lies in the southwest corner of the first floor and measures 31' by 15'. It contains 8' of file cases 2" deep and 2 drawers 10" x 30" x 28".

*Storage Rooms.* There are two storage rooms that are used for housing the older records of all county agencies. The attic storage room, measuring 30' by 20', contains approximately 250' of bound volumes and unbound materials, piled on the floor. There are no shelves. The basement storage room, measuring 50' by 50', contains no shelves. Bound volumes and unbound materials lie on boards laid on the dirt floor.



## 4. BIBLIOGRAPHY

## PRIMARY SOURCES

## CONSTITUTIONS

"Constitution of the State of Indiana, 1816," in *Revised Statutes of the State of Indiana, 1843* (Indianapolis, Indiana, John Dowling and R. Cole, 1843), 38-64.

"Constitution of the State of Indiana, 1851," in Harrison Burns, editor, *Annotated Indiana Statutes, Containing All Acts of a General and Public Nature in Force September 1, 1933* (Indianapolis, Indiana, Bobbs-Merrill Co., 1933-), 1:1-122.

Indiana Legislative Bureau, *Constitution of the State of Indiana and of the United States* (Indianapolis, Indiana, Wm. B. Burford Printing Co., 1938).

Kettleborough, Charles, *Constitution Making in Indiana*, published as vols. 1, 2, and 17 of the *Indiana Historical Collections* (Indianapolis, Indiana, Indiana Historical Bureau, 1916, 1930).

Poore, Benjamin Perley, editor, *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the United States* (2 vols., Washington, D. C., U. S. Government Printing Office, 1877).

Thorpe, Francis Newton, editor, *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America* (7 vols., Washington, D. C., U. S. Government Printing Office, 1909).

## CODES

Indiana General Assembly, *The Revised Laws of the State of Indiana, 1824* (Corydon, Indiana, Carpenter and Douglass, 1824).

Indiana General Assembly, *The Revised Laws of the State of Indiana, 1831* (Indianapolis, Indiana, Douglass and Maguire 1831).

Indiana General Assembly, *The Revised Statutes of the State of Indiana, 1838* (Indianapolis, Indiana, Douglass and Noel, 1836).

Indiana General Assembly, *The Revised Statutes of the State of Indiana, 1843* (Indianapolis, Indiana, John Dowling and R. Cole, 1843).

Indiana General Assembly, *The Revised Statutes of the State of Indiana, 1852* (2 vols., Indianapolis, Indiana, J. P. Chapman, 1852).

United States Congress, *The Code of the Laws of the United States of America of a General and Permanent Character in Force January 3, 1935* (Washington, D. C., U. S. Government Printing Office, 1935). Cited herein as U. S. C.

United States Congress, *Cumulative Supplement V, January 3, 1935 to November 4, 1939 to the Code of the Laws of the United States of America* (Washington, D. C., U. S. Government Printing Office, 1939).

#### QUASI-CODE

Indiana General Assembly, *The Revised Statutes of the State of Indiana, 1881* (Chicago, Illinois, E. B. Myers and Co., 1881). Prepared by order of the Indiana General Assembly but never officially adopted as a code by that body.

#### STATUTES

Baldwin, William E., editor, *Baldwin's Indiana Statutes Annotated 1934, Complete in One Volume, Containing All General Laws to January 1, 1934* (Cleveland, Ohio, Banks-Baldwin Law Publishing Co., 1934). With supplements 1935, 1937, 1938, and 1939. (The year is given in references only in citations to supplements. Numbers refer to sections which run in one continuous series).

Burns, Harrison, editor, *Annotated Indiana Statutes, Containing All Acts of a General and Public Nature in Force September 1, 1933* (12 vols., Indianapolis, Indiana, The Bobbs-Merrill Co., 1933). With supplement 1939 in pocket of cover in each volume. (The year is given in references only in citations to supplements. Numbers refer to sections which run in one continuous series, as explained in Burns, 1:iii-iv).

Ewbank, Louis B., and Riker, Dorothy L., editors, *The Laws of Indiana Territory, 1809-1816*, published as vol. 20 of the *Indiana Historical Collections* (Indianapolis, Indiana, Indiana Historical Bureau, 1934).

Hening, William W., editor, *The Statutes at Large, Being a Collection of All the Laws of Virginia, from the First Session of the Legislature in the Year 1619*, vol. 9 (Richmond, Va., J. and G. Cochran, 1821).

Indiana General Assembly, *Laws of the State of Indiana, 1816-*. Session laws, cited herein under the binder's title, Acts. (Corydon, Fort Wayne, and Indianapolis, Indiana, various public printers, 1817-).

Kappler, Charles J., *Indian Affairs. Laws and Treaties*, printed as U. S. Senate Document No. 452, 57th Congress, 1st Session (2 vols., Washington, D. C., U. S. Government Printing Office, 1904).

Pease, Theodore C., editor, *The Laws of the Northwest Territory, 1788-1800*, published as vol. 17 of the *Collections of the Illinois State Historical Library* (Springfield, Illinois, Illinois State Historical Library, 1925).

- Philbrick, Francis S., editor, *The Laws of Indiana Territory, 1801-1809*, published as vol. 21 of the *Collections of the Illinois State Historical Library* (Springfield, Illinois, Illinois State Historical Library, 1930; reprinted with supplementary Indiana material by the Indiana Historical Bureau, Indianapolis, Indiana, 1931).
- Rauch, John G., and Armstrong, Nellie C., *A Bibliography of the Laws of Indiana, 1788-1927*, published as vol. 16 of the *Indiana Historical Collections* (Indianapolis, Indiana, Indiana Historical Bureau, 1928).
- United States Congress, *The Statutes at Large of the United States of America, 1789-*. (17 vols., Boston, Mass., Little and Brown, 1845-73; vol. 18-, Washington, D. C., U. S. Government Printing Office, 1875-).

## DECISIONS AND OPINIONS

- Indiana Appellate Court, *Reports of Cases Argued and Determined in the Appellate Court of the State of Indiana, 1890-*. (Indianapolis, Indiana, various public printers, 1891-). Cited herein as Ind. App.
- Indiana Attorney General, *Opinions of the Attorney General of Indiana, 1916-*. (Fort Wayne and Indianapolis, Indiana, various public printers, 1917-).
- Indiana Supreme Court, *Reports of Cases Argued and Determined in the Supreme Court of Judicature of the State of Indiana, 1817-*. (Indianapolis, Indiana, various public printers, 1862-). Eight volumes, covering the years 1817 to 1847, are cited as Blackford, from the name of the reporter, Issac Blackford. Beginning with the volume for 1847 the pagination starts again with one and the volumes are cited as Ind.
- Monroe County Circuit Court, *Civil Order Book, 1818-*. Manuscript record in the office of the clerk of the circuit court. See entry 123.
- North Eastern Reporter. *Cases Argued and Determined in the Courts of Indiana, Illinois, Ohio, New York, Massachusetts, 1885-*. (St. Paul, Minnesota, West Publishing Co. 1885-)., Cited herein as N. E.

## REPORTS AND STATE PAPERS

- Bonsteel, J. A., "The Miami Series of Soils," *U. S. Department of Agriculture, Bulletin No. 142* (Washington D. C., U. S. Government Printing Office, 1914).
- Bushnell, T. M., and Fowler, Earl D., "Soil Survey of Monroe County, Indiana," *Bulletin, U. S. Department of Agriculture, Bureau of Soils, in Co-operation with Purdue University Agricultural Experiment Station*

- (Washington, D. C., U. S. Government Printing Office, 1928).
- Carter, Clarence E., editor, *The Territorial Papers of the United States* (Washington, D. C., U. S. Government Printing Office, 1934-).
- Indiana, *Annual Report of the Department of Geology and Natural Resources*, 1869-. (Fort Wayne and Indianapolis, Indiana, various public printers, 1870-). Series cited herein as *Indiana Geological Report*.
- Indiana, *Executive Proceedings*, 1823-36. Manuscript volume in the vaults of the Indiana Secretary of State.
- Indiana, *Record Book A* [Executive Journal of Indiana Territorial and State Governments, 1800-1823]. Manuscript volume in Indiana State Library.
- Indiana, *Report of the State Superintendent of Public Instruction*, 1862-1916 (Indianapolis, Indiana, various public printers, 1862-1916).
- Indiana, "Report of the State Superintendent of Public Instruction," 1917-, in *Year Book of the State of Indiana*, 1917-.
- Indiana, *Year Book of the State of Indiana*, 1917-. Published by the Indiana Legislative Bureau, 1917-33; by the Division of Accounting and Statistics, 1934- (Fort Wayne and Indianapolis, Indiana, various public printers, 1918-).
- "Indiana Crops and Live Stock," *Bulletin No. 159* (West Lafayette, Indiana, published by the U. S. Department of Agriculture and the Purdue University Agricultural Experiment Station, 1938).
- Indiana Division of School Inspection, *Indiana School Directory*, 1938-1939 (Indianapolis, Indiana, Wm. B. Burford Printing Co., 1938).
- Indiana State Planning Board, *Preliminary Survey of County Planning Problems in Indiana Counties* (typewritten, 1935-36; in Indiana State Library).
- Monroe County, Commissioners' Record, 1818-. Manuscript record in the office of the Monroe County Auditor. See entry 2.
- Monroe County, Deed Record, 1817-. Manuscript record in the office of the Monroe County Recorder. See entry 59.
- Monroe County, Tract Book, 1816-1859. Manuscript record in the office of the Monroe County Recorder. See entry 67.
- Snider, Clyde Frank, and Sappenfield, Max M., "County and Township Government in Indiana," in *Report of the Indiana State Committee on Governmental Economy* (Indianapolis, Indiana, Wm. B. Burford Printing Co., 1935).



- Smith, William H., editor, *The St. Clair Papers* . . . Cincinnati, Ohio, Robert Clarke and Co., 1882).
- United States Congress, *American State Papers, Indian Affairs* (Washington, D. C., Gales and Seaton, 1832).
- United States Congress, *Annals of Congress of the United States. First Congress to Eighteenth* . . . March 3, 1789-May 27, 1824 (43 vols., Washington, D. C., Gales and Seaton, 1834-56).
- United States Department of Commerce, Bureau of the Mines, "Mineral Resources of the United States," *Bulletin, U. S. Department of Commerce, Bureau of the Mines, 1929* (Washington, D. C., U. S. Government Printing Office, 1932).

## CENSUS

- United States Census Office, *Compendium of the Enumeration of the Inhabitants and Statistics of the United States, as Obtained* . . . from the Returns of the Sixth Census: 1840 (Washington, D. C., Thomas Allen, 1841).
- United States Census Office, *Eleventh Census of the United States: 1890, Population*, pt. 1 (Washington, D. C., U. S. Government Printing Office, 1895).
- United States Department of Agriculture, *United States Census of Agriculture: 1935* (Washington, D. C., U. S. Government Printing Office, 1937).
- United States Department of Commerce, Bureau of the Census, *Fourteenth Census of the United States: 1920, Population*, vol. 1 (Washington, D. C., U. S. Government Printing Office, 1921).
- United States Department of Commerce, Bureau of the Census, *Fifteenth Census of the United States: 1930, Population*, vol. 3, *Agriculture*, vol. 2 (Washington, D. C., U. S. Government Printing Office, 1932).

## SECONDARY WORKS

## HISTORIES

- Barce, Elmore, *The Land of the Miami* (Fowler, Indiana, Benton Review Shop, 1922).
- Blanchard, Charles, editor, *Counties of Morgan, Monroe and Brown, Indiana* (Chicago, Illinois, F. A. Battery and Co., 1884).
- Burnet, Jacob, *Notes on the Early Settlement of the Northwest Territory* (Cincinnati, Ohio, Derby, Bradley and Co., 1847).
- Esarey, Logan, *A History of Indiana* . . . (2 vols., Indianapolis, Indiana, W. K. Stewart Co., B. F. Bowen Co., 1915, 1918).
- History of Lawrence and Monroe Counties, Indiana* (Indianapolis, Indiana, B. F. Bowen and Co., 1914).

- Smith, William H., *The History of the State of Indiana* . . . (2 vols., Indianapolis, Indiana, Western Publishing Co., 1903).
- Woollen, William Wesley, *Biographical and Historical Sketches of Early Indiana* (Indianapolis, Indiana, Hammond and Co., 1883).

## MONOGRAPHS

- Banty, David D., "History of Indiana University," *Indiana Memorial Volume* (Bloomington, Indiana, 1921).
- Blackburn, Glen A., "Interurban Railroads of Indiana," *Indiana Magazine of History*, December 1924 (Bloomington, Indiana, Indiana University, 1924).
- Burns, Lee, "The Ohio River, Its Influence on the Development of Indiana," *Indiana Magazine of History*, June 1923 (Bloomington, Indiana, Indiana University, 1923).
- Cottman, George S., "Internal Improvements in Indiana," *Indiana Magazine of History*, March 1907 (Bloomington, Indiana, Indiana University, 1907).
- Cotton, Fasset A., *Education in Indiana, 1793-1934* (Bluffton, Indiana, The Progress Publishing Co., 1934).
- Craig, Oscar J., "Ouatatanon," *Indiana Historical Society Publications*, vol. 2, no. 2 (Indianapolis, Indiana, Indiana Historical Society, 1893).
- Feightner, Harold C., "Indiana County Government," *Indiana History Bulletin*, March 1932 (Indianapolis, Indiana, Indiana Historical Bureau, 1932).
- Gannett, Henry, "The Origin of Certain Place Names in the United States," *U. S. Department of the Interior, Bulletin No. 258* (Washington, D. C., U. S. Government Printing Office, 1905).
- Harding, Samuel B., *Indiana University, 1820-1904* (Bloomington, Indiana, Indiana University, 1904).
- Harrison, William Henry, *A Discourse on the Aborigines of the Valley of the Ohio* (Boston, Mass., Wm. D. Ticknor, 1840).
- Hibbard, Benjamin H., *A History of the Public Land Policies* (New York, The Macmillan Co., 1924).
- Hogue, Rolla M., "Life in Indiana, 1800-1820," *Indiana Magazine of History*, June 1913 (Bloomington, Indiana, Indiana University, 1913).
- Latta, William Carroll, *Outline History of Indiana Agriculture* (Lafayette, Indiana, published by Alpha Lambda Chapter of Epsilon Sigma Phi, in co-operation with Purdue University and the Indiana County Agricultural Agents Association, 1938).

- Monks, Leander J., Esarey, Logan, and Shockley, Ernest V., editors, *Courts and Lawyers of Indiana* (3 vols., Indianapolis, Indiana, Federal Publishing Co., 1916).
- Pence, George, and Armstrong, Nellie C., *Indiana Boundaries: Territory, State and County*, published as vol. 19 of the *Indiana Historical Collections* (Indianapolis, Indiana, Indiana Historical Bureau, 1933).
- Phillips, Paul C., "Vincennes in Its Relation to French Colonial Policy," *Indiana Magazine of History*, December 1921 (Bloomington, Indiana, Indiana University, 1921).
- Quaife, M. M., "Fort Wayne in 1790," *Indiana Historical Society Publications*, vol. 7, no. 7 (Greenfield, Indiana, Indiana Historical Society, 1921).
- Roy, Pierre Georges, "Sieur de Vincennes Identified," *Indiana Historical Society Publications*, vol. 7, no. 1 (Indianapolis, Indiana, Indiana Historical Society, 1923).
- Snider, Clyde Frank, *County and Township Government in Indiana* (Urbana, Illinois, University of Illinois, 1936).
- Snider, Clyde Frank, "Indiana Counties and Townships," *Indiana Magazine of History*, June 1937 (Bloomington, Indiana, Indiana University, 1937).
- Visher, Stephen S., "Indiana Regional Contrasts in Soil Erosion and Their Chief Causes," *Proceedings of the Indiana Academy of Science*, vol. 46 (Fort Wayne, Indiana, Fort Wayne Printing Co., 1937).
- Wakefield, Walter J., "County Seminaries in Indiana," *Indiana Magazine of History*, June 1915 (Bloomington, Indiana, Indiana University, 1915).

## 5. ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

The Style Manual of the United States Government Printing Office is the authority followed herein.

agr. agt.	agricultural agent('s)
alph.	alphabetical(ly)
App.	Appellate Court Reports (State of Indiana)
approx.	approximate(ly)
arr.	arranged
art.	article
assr.	assessor('s)
aud.	auditor('s)

bd.	board
bdl.	bundle(s)
bk.	book
Blackf.	<i>Blackford Reports</i> (Supreme Court of Indiana)
bldg.	building
bsmt.	basement
c	copyright (before date)
C. C.	County Courthouse
cf.	compare
ch.	chapter
chron.	chronological(ly)
cir. ct.	circuit court
clk.	clerk('s)
comr.	commissioner('s)
Const.	Constitution of Indiana
cor.	coroner
ct. rept.	court reporter
diam.	diameter
et	and
et al.	et alii—and others
et seq.	et sequentia—and following
ex rel.	ex relatione—upon relation of. (Designates the person at whose instance the state or a public officer is acting)
f. b.	file box(es)
f. d.	file drawer(s)
fl.	floor
hdw.	handwritten
H. J.	<i>House Journal</i> (Indiana House of Represent- atives)
hlth. offr.	health officer('s)
hwy. sup.	highway supervisor('s)
ibid.	<i>ibidem</i> (same reference as that immediately foregoing)
Ind.	Indiana: <i>Indiana Reports</i> (when preceded by the volume number, reference is to the official state supreme court reports)
I. U. Libr.	Indiana University Library
insp.	inspector
juv.	juvenile
lb.	pound
loc. cit.	<i>loco citato</i> —in the place cited
n.	note
n. d.	no date



N. E.	<i>North Eastern Reporter</i> (judicial decisions).
	2d-Second series
no., nos.	number(s)
num.	numerically
off.	office
offr.	officer
<i>op. cit.</i>	<i>opere citato</i> --in the work cited. (After author's name, refers to previous work cited under his name)
p., pp.	page(s)
<i>passim</i>	here and there (referring to references too numerous to enumerate)
<i>pro tem.</i>	<i>pro tempore</i>
prob. comr.	probate commissioner
pros. atty.	prosecuting attorney('s)
pt.	part
ptd.	printed
pub. welf.	public welfare
pvt.	private
rec.	record
recr.	recorder('s)
reg.	register
Rev. Laws	<i>Revised Laws of the State of Indiana</i>
Rev. Stat.	<i>Revised Statutes of the State of Indiana</i>
rm.	room
sec., secs.	section(s)
sher.	sheriff('s)
<i>sic</i>	thus (indicating expression, misspelling, etc., is the same as in the original)
S. J.	<i>Senate Journal</i> (Indiana Senate)
Spec. Sess.	Special Session
sta.	station
stat.	statutes
stor.	storage
sub-bsmt.	sub-basement
suppl.	supplement
supr. ct.	superior court
supt.	superintendent('s)
surv.	surveyor('s)
treas.	treasurer('s)
twp., twps.	township(s)
U. S.	United States
U. S. C.	<i>United States Code</i>
v.	versus

vol., vols.	volume(s)
vt.	vault
'	foot, feet
"	inch(es) (omitted after dimensions in entries)
x	by, in dimensions

## EXPLANATORY NOTES

The inventory of the records of each branch of the county government is preceded by an essay explaining its legal status and functions.

In some instances, records shown as being legally required do not appear in the inventory. Such omissions reflect the record situation and are not the result of an inadequate survey.

Entries are grouped according to a functional classification, with headings and subheadings according to relative functions and with cross-references to allied subjects. Every entry has two parts or paragraphs: Title and description. Occasionally an entry has a third (cross-reference) paragraph.

I. The title paragraph consists of:

*Entry number.* The entries are numbered consecutively.

*Exact title* (in capitals and small capitals) as it appears on the record. Titles enclosed in brackets are supplied by the Historical Records Survey, if the volume or file bears no title. Supplementary titles (in capitals and lower-case letters), enclosed in brackets, are also supplied where it is necessary to explain the types of records more fully, or where the exact title borne by the record is incorrect, misleading, or nondescriptive.

*Dates* of the period covered by the record, showing inclusive beginning and ending dates by years only. Missing records are indicated by a break in the dates. A dash in place of an ending date denotes an open record. In entries, where one or more records are replaced by another record, the month and day are given for the discontinued record. In entries of open records, when the last entry is not current, a note follows: "Last entry"—with day, month, and year. Where no statement is made that the record was discontinued at the last date shown in the entry, it could not be definitely established that such was the case. Where no comment is made on the absence of prior or subsequent records, no definite information could be obtained.

*Quantity and labeling*, given in chronological order insofar as possible.

*Variations in title*. Current or most recent title used as entry title; if former titles vary, they are shown.

*Changes in keeping records*. Occasionally the county record is discontinued or is kept by some other authority—state or other county office.

## II. The description consists of:

A statement of the nature, contents, and purpose of the record, with a summary of the column headings or subjects treated. The current record, except as otherwise noted, is described. The contents over a long period of years may themselves vary; therefore, over the entire period the description may vary to some degree. In the description of map and plat records, the scale and the names of cartographer and publisher are given whenever available. No mention thereof denotes that these data are not known.

*Method of arrangement*: Chronological, topical, or other system.

*Method of indexing*, pertaining to self-contained indexes. Separate indexes are noted also, with a cross-reference thereto.

*Nature of recording*: Handwritten, typewritten, or printed. Modern records are almost exclusively in printed form, filled in by hand or typewritten as stated in entry. Maps and plats are drawn, blueprinted, or printed.

*Condition*. Omitted if good or excellent.

*Number of pages* averaged for a series.

*Size of volumes* in the order of height, width, and thickness, averaged for a series; of file boxes and file drawers, in the order of height, width, and depth. It is given in inches in all instances; hence the inch sign is omitted.

*Location*. The place of custody (the room in which the records are located) is in the courthouse unless another building is specified in the entry. The locations given are those effective at the time the survey was made.

## III. Cross-references:

Title-line cross-references are used to show continuity of a record series which has been kept separately for a period and with other records for different periods of time. An example is that in the title-line of entry 15: "1899-1901 in Allowance Docket, entry 13." They are also used in all artificial entries, those set up to cover records which must be shown separately under their proper office even though they are kept in files, or records appearing elsewhere in the in-

ventory, as, for example, the title-line cross-reference in entry 326, "In Record of Election, entry 329." In both instances the description of the master entry or entry of miscellaneous contents shows the title and number of the entry in which the record is described (the entry from which the title-line cross-reference is made), as, for example, in entry 2: "Also contains: Allowance Docket, 1902-10, entry 13." Dates shown in such a cross-reference are only for the part or parts of the record contained therein, and are shown only when they vary from those of the master entry.

Separate third-paragraph cross-references from entry to entry, and *See also* references with subject headings or subheadings are used to guide the reader to prior, subsequent, or related records which are not parts of the same series.



## PART B. COUNTY OFFICES AND THEIR RECORDS

### I. BOARD OF COMMISSIONERS

#### LEGAL STATUS

The board of commissioners of Monroe County exists under the mandatory provisions of an act of 1852. The board is composed of three members<sup>1</sup> elected for 3-year terms commencing in different years.<sup>2</sup> The county is divided into three districts; and one commissioner is elected from the residents of each district by the voters of the whole county.<sup>3</sup> A member receives a certificate of election from the clerk of the circuit court<sup>4</sup> and remains in office until his successor has been elected and qualified.<sup>5</sup> Each commissioner must be an elector of the county at the time of his election; must have been an inhabitant thereof during the preceding year;<sup>6</sup> must reside within the county after his election; must not hold any other lucrative office;<sup>7</sup> and must take an oath to support the state and federal constitutions and faithfully discharge his duties.<sup>8</sup> A member receives a regular salary of \$440 per year,<sup>9</sup> plus 6 cents for each mile necessarily traveled by him in the conduct of county business.<sup>10</sup>

---

<sup>1</sup> 1 Rev. Stat. 1852, Acts 1929; Burns 26-601; Baldwin 5215.

County commissioners are not constitutional officers. *State ex rel. Workman v. Goldthait* (1909), 172 Ind. 210, 87 N. E. 133.

<sup>2</sup> 1 Rev. Stat. 1852; Burns 26-603; Baldwin 5217. Acts 1885; Burns 26-604; Baldwin 5218.

<sup>3</sup> 1 Rev. Stat. 1852; Burns 26-602; Baldwin 5216.

<sup>4</sup> Const. 1851, art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201, 49-202; Baldwin 13095, 13096.

The members are not commissioned by the governor. *Ibid.*

<sup>5</sup> Const. 1851, art. 15, sec. 3. Acts 1885; Burns 26-604; Baldwin 5218.

<sup>6</sup> Const. 1816, art. 11, sec. 14. Const. 1851, art. 6, sec. 4.

<sup>7</sup> Const. 1816, art. 11, secs. 6, 13. Const. 1851, art. 2, sec. 9; art. 6, sec. 6.

<sup>8</sup> Const. 1851, art. 15, sec. 4. Acts 1905; Burns 10-3703; Baldwin 2660. 1 Rev. Stat. 1852; Burns 26-605; Baldwin 5219.

<sup>9</sup> Acts 1933; Burns 49-1004; Baldwin 7534.

<sup>10</sup> Acts 1933; Burns 49-1013; Baldwin 7543.

For sufficient legal grounds any county commissioner may be removed from office by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.<sup>11</sup> If a commissioner is convicted of a felony the judgment of conviction must declare his office vacant.<sup>12</sup>

Any vacancy in the office of county commissioner, or any prospective vacancy caused by death or resignation before time for commencement of the term of a commissioner-elect, is filled at any time through appointment by the commissioners in office. In the event of a tie vote the auditor casts the deciding vote.<sup>13</sup>

The board of commissioners is a body corporate and politic by the name and style of "The Board of Commissioners of the County of Monroe." As such, and in such name, the board may sue and be sued. It possesses duties, rights, and powers incident to corporations.<sup>14</sup> In legal contemplation the board is the county.<sup>15</sup>

Since the organization of Monroe County in 1818 the general administrative control of county matters has been vested in a board of commissioners, composed of three members (individually known as county commissioners) elected by the voters of the whole county from the residents of three commissioners' districts, subject to exceptions herein stated. From September 6, 1824 until August 1, 1831 county business was transacted by a board of justices composed of all the justices of the peace in the county. From February 1, 1834 until August 6, 1838 the board doing county business was composed of all the justices of the peace of the county but was officially known as "The Board of Commissioners of Monroe County." Since 1899 many powers of a fiscal nature (including the making of tax levies) previously exercised by the board of commissioners have been vested exclusively in the county council.<sup>16</sup>

<sup>11</sup> Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052. *Bateman v. State* (1938), 214 Ind. 118, 14 N. E. (2d) 1007.

<sup>12</sup> Acts 1897, 1899; Burns 49-834; Baldwin 13050.

<sup>13</sup> 1 Rev. Stat. 1852, Acts 1929; Burns 26-601; Baldwin 5215.

<sup>14</sup> 1 Rev. Stat. 1852; Burns 26-606; Baldwin 5210.

<sup>15</sup> *Dice v. County Board of Finance* (1934), 99 Ind. App. 405, 192 N. E. 770.

<sup>16</sup> Acts 1816-17, ch. 15. Acts 1817-18 (general), ch. 41. Acts 1817-18 (special), ch. 6, sec. 1. Rev. Laws 1824, chs. 15-16. Rev. Laws 1831, ch. 20. Acts 1833-34, ch. 23. Rev. Stat. 1838, ch. 21. Rev. Stat. 1843, ch. 7, art. 1. 1 Rev. Stat. 1852, ch. 6, sec. 1; ch. 20, secs. 17, 18, 21, 22.

## FUNCTIONS AND RECORDS

The board of commissioners may purchase and sell property for the county;<sup>17</sup> has control of the county property;<sup>18</sup> has charge of the purchase of materials and supplies needed by the county officials;<sup>19</sup> has charge of the construction and maintenance of roads,<sup>20</sup> bridges, culverts,<sup>21</sup> waterways,<sup>22</sup> and county buildings;<sup>23</sup> has the power of eminent domain;<sup>24</sup> provides office rooms for county officers;<sup>25</sup> prepares annual budget estimates;<sup>26</sup> may authorize tax refunds;<sup>27</sup> allows claims against the county;<sup>28</sup> issues bonds;<sup>29</sup> may establish or abolish

---

Acts 1899; Burns 26-501 to 26-551; Baldwin 5365 to 5414. 1 Rev. Stat. 1852; Burns 26-601 to 26-639. Baldwin 5215 *et seq.* Snider v. State *ex rel.* Leap (1934), 206 Ind. 474, 190 N. E. 178. See the essay entitled "County Council."

<sup>17</sup> Acts 1899; Burns 26-534; Baldwin 5399. Acts 1907; Burns 26-2008; Baldwin 5107. Acts 1899; Burns 28-250 to 28-257; Baldwin 6602 to 6609.

<sup>18</sup> 1 Rev. Stat. 1852, Acts 1935; Burns, 1939 suppl., 26-620; Baldwin, 1935 suppl., 5236. Insurance. Potts v. Bennett (1895), 140 Ind. 71, 39 N. E. 518; Barnhill v. Woodard (1901), 26 Ind. App. 482, 59 N. E. 1085.

<sup>19</sup> Acts 1899; Burns 26-535; Baldwin 5400. Acts 1899, 1903, 1933; Burns 26-536; Baldwin 5401.

<sup>20</sup> Acts 1905, 1907; Burns 36-201 *et seq.*; Baldwin 8756 *et seq.* Acts 1919; Burns 36-391 *et seq.*; Baldwin 8859 *et seq.* Acts 1907; Burns 36-401 *et seq.*; Baldwin 8992 *et seq.* Acts 1919; Burns 36-501 *et seq.*; Baldwin 8979 *et seq.* Acts 1933; Burns 36-1101 *et seq.*; Baldwin 8639 *et seq.*

<sup>21</sup> Acts 1905, 1907, 1929; Burns 36-1901 *et seq.*; Baldwin 9236 *et seq.* Acts 1905, 1911, 1913; Burns 36-2001 *et seq.*; Baldwin 9191 *et seq.* Acts 1920 (Spec. Sess.); Burns 36-2404; Baldwin 9154.

The board may purchase toll bridges. Acts 1861; Burns 26-1415; Baldwin 5329.

<sup>22</sup> Acts 1863; Burns 26-1401 to 26-1412; Baldwin 5313 to 5323. Acts 1873; Burns 26-1413, 26-1414; Baldwin 5291, 5292. Acts 1905; Burns 68-101 to 68-107; Baldwin 16324 to 16330.

<sup>23</sup> 1 Rev. Stat. 1852; Burns 26-624; Baldwin 5240. Acts 1907; Burns 26-2002, 26-2004; Baldwin 5101, 5103.

<sup>24</sup> Acts 1937; Burns, 1939 suppl., 26-640; Baldwin, 1937 suppl., 5236-1. Acts 1899; Burns 26-2101 to 26-2106; Baldwin 5109 to 5114. Acts 1919; Burns 36-303; Baldwin 8961. Acts 1935; Burns, 1939 suppl., 36-711; Baldwin, 1935 suppl., 8861-1.

<sup>25</sup> 1 Rev. Stat. 1852; Burns 26-624; Baldwin 5240. Acts 1899; Burns 26-625; Baldwin 5241. 1 Rev. Stat. 1852; Burns 49-3202; Baldwin 5470.

<sup>26</sup> Acts 1899; Burns 26-516, 26-519; Baldwin 5380, 5383.

Estimates for road maintenance are under control of the board and may be changed without the approval of the surveyor or county highway supervisor. Bateman v. State (1938), 214 Ind. 138, 14 N. E. (2d) 1007.

<sup>27</sup> Acts 1919, 1927, 1929; Burns 64-2319 to 64-2321; Baldwin 15681, 15682, 15685.

<sup>28</sup> 1 Rev. Stat. 1852, Acts 1935; Burns, 1939 suppl., 26-620; Baldwin, 1935 suppl., 5236. Acts 1879 (Spec. Sess.); Burns 26-607; Baldwin 5256.

Cancellation of allowances and warrants issued thereunder. Acts 1879 (Spec. Sess.); Burns 26-815; Baldwin 5273.

<sup>29</sup> 1 Rev. Stat. 1852, Acts 1869; Burns 26-1001 *et seq.*; Baldwin 5242 *et seq.*

townships and election precincts, and change the boundary lines thereof;<sup>30</sup> provides rooms, booths, and ballot boxes for elections, and may provide voting machines;<sup>31</sup> may establish and maintain libraries<sup>32</sup> and hospitals;<sup>33</sup> may establish a workhouse and employ a superintendent thereof;<sup>34</sup> inspects the county jail<sup>35</sup> and poor asylum;<sup>36</sup> may prescribe regulations governing the work of prisoners outside the jail;<sup>37</sup> maintains standards of weights and measures;<sup>38</sup> may order the establishment of a permanent meridian line in the county;<sup>39</sup> may regulate traffic on the county highways;<sup>40</sup> may enforce regulations of the Administrative Building Council of Indiana;<sup>41</sup> may determine the question of public utility of a levee petitioned for by a levee association;<sup>42</sup> may make special assessments to pay the cost of construction of roads;<sup>43</sup> may subscribe for newspapers printed in the county and require the recorder to preserve copies thereof;<sup>44</sup> may reproduce mutilated or decayed records;<sup>45</sup> may administer oaths; enforce its orders, and punish for contempt;<sup>46</sup> may authorize the payment of bounties;<sup>47</sup> may offer rewards in case of murder

---

<sup>30</sup> Townships. Acts 1859, 1939; Burns, 1939 suppl., 26-701; Baldwin, 1939 suppl., 16055. Acts 1919, 1939; Burns, 1939 suppl., 26-705; Baldwin, 1939 suppl., 16059.

Election precincts. Acts 1933; Burns 29-319; Baldwin 7317. Acts 1889, 1907; Burns 29-801 *et seq.*; Baldwin 7089 *et seq.* Acts 1920 (Spec. Sess.); Burns 29-901; Baldwin 7091.

<sup>31</sup> Acts 1920 (Spec. Sess.); Burns 29-909; Baldwin 7154. Acts 1889; Burns 29-1101; Baldwin 7101. Acts 1897; Burns 29-1121; Baldwin 7135.

<sup>32</sup> Acts 1917, 1921, 1927; Burns 41-510; Baldwin 10321. *Opinions of the Attorney General of Indiana*, 1839, p. 124.

<sup>33</sup> Acts 1903; Burns 22-3201; Baldwin 4507.

<sup>34</sup> Acts 1879 (Spec. Sess.); Burns 13-1101, 13-1102; Baldwin 13759, 13760.

<sup>35</sup> Acts 1909; Burns 13-1008; Baldwin 13460.

<sup>36</sup> 1 Rev. Stat. 1852, Acts 1899; Burns 52-205; Baldwin 13373.

<sup>37</sup> Acts 1905; Burns 9-22 9; Baldwin 2336.

<sup>38</sup> 1 Rev. Stat. 1852; Burns 69-101.

<sup>39</sup> Acts 1895; Burns 49-3307; Baldwin 5513.

<sup>40</sup> Acts 1919; Burns 36 706; Baldwin 8899.

<sup>41</sup> Acts 1923; Burns 20-401, 20 408; Baldwin 4603, 4610.

<sup>42</sup> Acts 1913, 1927; Burns 27-915; Baldwin 10241.

<sup>43</sup> Acts 1905; Burns 36-1308; Baldwin 8794. Acts 1921; Burns 36-1412 to 36-1414; Baldwin 8915 to 8917.

<sup>44</sup> 1 Rev. Stat. 1852; Burns 26-626 to 26-628; Baldwin 5285 to 5287.

<sup>45</sup> Acts 1877; Burns 26 634, 26-635; Baldwin 5339, 5340.

<sup>46</sup> 1 Rev. Stat. 1852; Burns 26-619; Baldwin 5233.

<sup>47</sup> 1 Rev. Stat. 1852, Acts 1875, 1883, 1911; Burns 26-1101 to 26-1103, 26-1105, 26-1106; Baldwin 5288, 2802 5289 5292 5294.



or lynching;<sup>48</sup> examines the treasurer's quarterly reports,<sup>49</sup> and makes annual settlements with him;<sup>50</sup> annually prepares a statement of the receipts and disbursements of the previous year, and causes it to be published and posted;<sup>51</sup> may approve (subject to further approval by the state board of accounts) the installation of a modern tax-accounting system in the offices of the auditor and treasurer;<sup>52</sup> may authorize county officers to use a photographic process for recording deeds, mortgages, and other instruments;<sup>53</sup> may license ferries<sup>54</sup> and fix ferry rates;<sup>55</sup> may authorize elections for the incorporation of towns;<sup>56</sup> may authorize a town to annex unplatted lots;<sup>57</sup> may specify "what kind of animals shall be allowed to pasture or run at large on the uninclosed lands or public commons" within the bounds of any township in the county;<sup>58</sup> is authorized to appoint a county highway supervisor,<sup>59</sup> a county health officer,<sup>60</sup> a public health nurse,<sup>61</sup> a county inspector of weights and measures,<sup>62</sup> a superintendent of the poor asylum,<sup>63</sup> food inspectors (beef, flour, pork, salt, and hay),<sup>64</sup>

---

<sup>48</sup> Acts 1839; Burns 26-1104; Baldwin 5290.

<sup>49</sup> Acts 1895, 1913; Burns 49-1402; Baldwin 7578.

<sup>50</sup> Acts 1899; Burns 26-531; Baldwin 5395. 1 Rev. Stat. 1852; Burns 49-3116; Baldwin 5563.

<sup>51</sup> Acts 1899; Burns 26-546; Baldwin 5411.

<sup>52</sup> Acts 1937; Burns, 1939 suppl., 60-238 to 60-240; Baldwin, 1937 suppl., 15868-1 to 15868-3.

<sup>53</sup> Acts 1927; Burns 49-3207; Baldwin 14667.

<sup>54</sup> Acts 1881 (Spec. Sess.); 1911; Burns 36-2501 to 36-2504; Baldwin 7676 to 7679. 1 Rev. Stat. 1852, Acts 1855; Burns 36-2601 to 36-2607; Baldwin 7691 to 7697. Acts 1881 (Spec. Sess.), 1897; Burns 36-2608 to 36-2618; Baldwin 7698 to 7708. Acts 1917, 1937; Burns, 1939 suppl., 42-201; Baldwin 1937 suppl., 10443.

<sup>55</sup> Acts 1881 (Spec. Sess.), 1897; Burns 36-2615; Baldwin 7705.

<sup>56</sup> Acts 1905; Burns 48-105; Baldwin 11328.

<sup>57</sup> Acts 1909; Burns 48-707, 48-708; Baldwin 11340, 11341.

<sup>58</sup> 1 Rev. Stat. 1852, Acts 1879 (Spec. Sess.); Burns 16-101, 16-102; Baldwin 5028, 5029.

<sup>59</sup> Acts 1933; Burns 36-1110; Baldwin 8708. See the essay entitled "County Highway Supervisor."

<sup>60</sup> Acts 1935; Burns, 1939 suppl., 35-118; Baldwin, 1935 suppl., 8404-1. See the essay entitled "County Health Officer."

<sup>61</sup> Acts 1935; Burns, 1939 suppl., 35-123; Baldwin, 1935 suppl., 8404-6. See the essay entitled "Public Health Nurse."

<sup>62</sup> Acts 1911, ch. 263, sec. 3. Acts 1913, ch. 161, sec. 1. Acts 1925; Burns 69-104, 69-107; Baldwin 16335, 16338.

<sup>63</sup> Acts 1927; Burns 22-3009; Baldwin 4354. Acts 1899, 1913; Burns 52-204; Baldwin 13365.

<sup>64</sup> Acts 1818-19, ch. 15, sec. 1. Rev. Laws 1824, ch. 109, sec. 4. Rev. Laws 1831, ch. 50, secs. 1-6. Rev. Stat. 1838, ch. 53. Rev. Stat. 1843, ch. 27. 1 Rev. Stat. 1852; Burns 35-1901; Baldwin 9468.

an appraiser of state lands,<sup>65</sup> certain justices of the peace,<sup>66</sup> fence viewers,<sup>67</sup> five members of a county planning commission,<sup>68</sup> three members of the county public library board,<sup>69</sup> and three members of a miners' examination board;<sup>70</sup> may employ a county attorney,<sup>71</sup> tax ferrets,<sup>72</sup> a civil engineer (if the surveyor is not a competent civil engineer),<sup>73</sup> bridge superintendents,<sup>74</sup> road viewers and reviewers,<sup>75</sup> a county veterinarian,<sup>76</sup> a physician for poor persons (in county institutions) and prisoners;<sup>77</sup> may authorize the appointment of deputies and assistants of county officers;<sup>78</sup> approves the official bonds<sup>79</sup> of the auditor,<sup>80</sup> clerk of the circuit court,<sup>81</sup>

---

<sup>65</sup> Acts 1889; Burns 62-207; Baldwin 15273.

<sup>66</sup> Acts 1891, 1923; Burns 5-109, 5-110; Baldwin 1833, 1834.

<sup>67</sup> Rev. Laws 1824, ch. 15, sec. 7; ch. 38, secs. 2, 3; ch. 69, sec. 3. Rev. Stat. 1838, ch. 21, secs. 20-23. Rev. Stat. 1843, ch. 4, secs. 26, 27; ch. 5, secs. 69-71. Acts 1877 (Spec. Sess.); Burns 30-605; Baldwin 7655.

<sup>68</sup> Acts 1935; Burns, 1939 suppl., 26-2301; Baldwin, 1935 suppl., 5205-1.

<sup>69</sup> Acts 1917, 1921, 1927, 1939; Burns, 1939 suppl., 41-510; Baldwin, 1939 suppl., 10321.

<sup>70</sup> Acts 1923; Burns 46-1001; Baldwin 11073.

<sup>71</sup> Acts 1917; Burns 10-3103; Baldwin 822. Acts 1899, Burns 26-519; Baldwin 5383.

<sup>72</sup> Acts 1905; Burns 61-2830; Baldwin, 1935 suppl., 15696-1.

<sup>73</sup> Acts 1919; Burns 36-306, 36-505; Baldwin 8864, 8883. Acts 1905, 1907; Burns 36-1205, 36-1301; Baldwin 8808, 8787. Acts 1921; Burns 36-1410; Baldwin 8913. 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

<sup>74</sup> Acts 1818 19, ch. 12, sec. 1. Rev. Laws 1824, ch. 87, sec. 27. Rev. Stat. 1838, ch. 91, sec. 57. Rev. Stat. 1843, ch. 16, sec. 62. 1 Rev. Stat. 1852, chs. 16, 92. Acts 1905, 1911, 1913; Burns 36-2001; Baldwin 9191. Acts 1903, 1923; Burns 36-2002, 36-2003; Baldwin 9192, 9193. Acts 1895; Burns 36-2217; Baldwin 9232.

<sup>75</sup> Acts 1821-22, ch. 25, sec. 5. Rev. Laws 1824, ch. 87, secs. 4, 5, 7, 9, 24. Rev. Stat. 1838, ch. 91, secs. 4, 13, 18, 71, 72. Rev. Stat. 1843, ch. 16, secs. 13, 33, 39. 1 Rev. Stat. 1852, ch. 48, secs. 9, 15, 19, 23, 28, 31, 46. Acts 1859, ch. 64. Acts 1865, ch. 8, secs. 3, 4. Acts 1867, ch. 61, sec. 2. Acts 1877, ch. 47, secs. 2, 6. Acts 1905, 1907, 1911, 1913; Burns 36-201, 36-216, 36-220, 36-221, 36-223, 36-224, 36-1205, 36-1301; Baldwin 8756, 8773, 8776, 8777, 8780, 8781, 8803, 8787. Acts 1921; Burns 36-1430; Baldwin 8933. Acts 1903; Burns 36-805; Baldwin 9113. Acts 1935; Burns, 1939 suppl., 36-2704; Baldwin, 1935 suppl., 14775 4.

<sup>76</sup> Acts 1925; Burns 16-609; Baldwin 3872. Acts 1915; Burns 16-703; Baldwin 3853.

<sup>77</sup> 1 Rev. Stat. 1852, ch. 3, sec. 8. Acts 1859, ch. 5, sec. 1. Acts 1899; Burns 26-533; Baldwin 5338. Lamar v. Board of County Comrs. (1892), 4 Ind. App. 191, 30 N. E. 912.

<sup>78</sup> Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532. Acts 1937; Burns, 1939 suppl., 49-3330; Baldwin, 1937 suppl., 5511-1.

<sup>79</sup> Acts 1851-52; Burns 49-123; Baldwin 13093.

<sup>80</sup> Acts 1889; Burns 49-3003; Baldwin 5417.

<sup>81</sup> Acts 1875; Burns 49-2703; Baldwin 1430.

coroner,<sup>82</sup> county highway supervisor,<sup>83</sup> recorder,<sup>84</sup> sheriff,<sup>85</sup> surveyor,<sup>86</sup> and treasurer;<sup>87</sup> may remove a delinquent county treasurer after suit on his official bond has been commenced;<sup>88</sup> and may appoint successors in case of any vacancy in the offices of the auditor, clerk of the circuit court, coroner, county assessor, surveyor, sheriff, treasurer,<sup>89</sup> and any officers originally appointed to office by the board of commissioners.<sup>90</sup> Appointments made by the board are certified by the auditor.<sup>91</sup>

The members of the board of commissioners are ex officio members of the board of finance.<sup>92</sup> The president of the board of commissioners is an ex officio member of the commission of public records.<sup>93</sup>

If a county hospital is established in Monroe County, the three county commissioners will be members of the hospital governing board and serve with eight members appointed by the judge of the circuit court.<sup>94</sup>

Formerly the board of commissioners audited the books and accounts of all officers handling county funds (1853 to 1909);<sup>95</sup> granted poll tax exemptions (1824 to 1919);<sup>96</sup> annually

<sup>82</sup> 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901; Baldwin 5436.

<sup>83</sup> Acts 1925; Burns 69-106; Baldwin 16337.

<sup>84</sup> Acts 1851-52; Burns 49-123; Baldwin 13093. 1 Rev. Stat. 1852, Acts 1901; Burns 49-3201; Baldwin 5469.

<sup>85</sup> Acts 1851-52; Burns 49-123; Baldwin 13093. 2 Rev. Stat. 1852, Acts 1937; Burns, 1939 suppl., 49-2801; Baldwin, 1937 suppl., 5493.

<sup>86</sup> Acts 1913; Burns 49-3302 to 49-3304; Baldwin 5505 to 5507.

<sup>87</sup> 1 Rev. Stat. 1852, Acts 1865, 1919; Burns 49-3101; Baldwin 5546.

<sup>88</sup> 1 Rev. Stat. 1852; Burns 49-3115; Baldwin 5562.

<sup>89</sup> 1 Rev. Stat. 1852; Burns 49-405; Baldwin 13104. Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

<sup>90</sup> See the authorities cited above for the appointment of officers by the board of commissioners.

<sup>91</sup> 1 Rev. Stat. 1852; Burns 49-204; Baldwin 13098.

<sup>92</sup> Acts 1937; Burns, 1939 suppl., 61-629; Baldwin, 1937 suppl., 13844-50. See the essay entitled "Board of Finance."

<sup>93</sup> Acts 1939, ch. 91, sec. 1. See the essay entitled "Commission of Public Records."

<sup>94</sup> Acts 1903, 1939; Burns, 1939 suppl., 22-3203; Baldwin, 1939 suppl., 4509.

<sup>95</sup> 1 Rev. Stat. 1852, Acts 1935; Burns, 1939 suppl., 26-620; Baldwin, 1935 suppl., 5236. Acts 1897; Burns 26-626; Baldwin 5237. Acts 1895; Burns 49-1409; Baldwin 7584. 1 Rev. Stat. 1852; Burns 49-3110; Baldwin 5555. Acts 1909; Burns 60-211; Baldwin 13862. Interview of May 18, 1939 with E. P. Brennan, state examiner.

<sup>96</sup> Rev. Laws 1824, ch. 86, sec. 1. 1 Rev. Stat. 1852, ch. 20, sec. 30 (repealed by Acts 1919, ch. 59, sec. 2). *Opinions of the Attorney General of Indiana, 1936*, p. 83.

awarded scholarships to Indiana University (1834 to 1919) and Purdue University (1877 to 1935);<sup>97</sup> received reports of the circuit judge concerning his examination of the office of the clerk of the circuit court (1852 to 1909);<sup>98</sup> and appointed an appraiser (taxes, 1841 to 1872),<sup>99</sup> assessors (taxes, 1824 to 1841),<sup>100</sup> constables (1818 to 1853),<sup>101</sup> a county agent (1818 to 1853),<sup>102</sup> election inspectors (1818 to 1929),<sup>103</sup> a drainage commissioner (1885 to 1933),<sup>104</sup> listers (taxes, 1818 to 1831),<sup>105</sup> overseers of the poor (1818 to 1853),<sup>106</sup> a pound-keeper (1818 to 1853),<sup>107</sup> road commissioners (1818 to

<sup>97</sup> Acts 1833-34, ch. 17. Rev. Stat. 1838, ch. 21, secs. 33, 34. Rev. Stat. 1843, ch. 7, sec. 34. 1 Rev. Stat. 1852, ch. 114, sec. 10. Acts 1877 (Spec. Sess.), ch. 29, secs. 1, 2. Acts 1919, ch. 185, sec. 1. Acts 1929, ch. 2, sec. 1. Acts 1935, ch. 184, secs. 1, 2.

<sup>98</sup> 2 Rev. Stat. 1852; Burns 49-2720; Baldwin 1439.

The examination of the clerk's office is now made by the state examiner instead of the circuit judge. Acts 1909; Burns 60-211; Baldwin 13862. Interview of May 18, 1939 with E. P. Brennan, state examiner.

<sup>99</sup> Acts 1840-41 (general), ch. 1, secs. 1-12, 20. Acts 1850-51 (general), ch. 5, sec. 1. 1 Rev. Stat. 1852, ch. 6, secs. 44, 45. Acts 1858 (Spec. Sess.), ch. 2, sec. 1.

<sup>100</sup> Rev. Laws 1824, ch. 86, secs. 5-7, 29, 42. Rev. Laws 1831, ch. 81, secs. 3, 4. Rev. Stat. 1838, ch. 21, sec. 12. Rev. Stat. 1843, ch. 4, secs. 2, 160; ch. 5, sec. 1; ch. 7, sec. 61.

<sup>101</sup> Acts 1817-18 (general), ch. 31, sec. 1. Rev. Laws 1824, ch. 13, secs. 1, 6; ch. 15, sec. 7. Rev. Stat. 1838, ch. 19, secs. 1, 5; ch. 21, secs. 20-22. Rev. Stat. 1843, ch. 4, secs. 26, 27, 160; ch. 5, secs. 70, 71. 1 Rev. Stat. 1852, ch. 115, sec. 4. 2 Rev. Stat. 1852, pt. 4, ch. 2, sec. 1.

<sup>102</sup> Acts 1817-18 (special), ch. 1, sec. 2; ch. 2, sec. 1. Rev. Laws 1824, ch. 93, secs. 1, 4. Rev. Stat. 1838, ch. 93, sec. 4. Acts 1841-42 (general), ch. 67, sec. 2. Rev. Stat. 1843, ch. 4, sec. 48. Acts 1851-52, ch. 2.

<sup>103</sup> Acts 1816-17, ch. 9, sec. 1. Acts 1817-18 (general), ch. 15, sec. 1; ch. 17, sec. 3. Rev. Laws 1824, ch. 15, sec. 7; ch. 35, sec. 1; ch. 36, sec. 5. Rev. Laws 1831, ch. 20, sec. 20. Rev. Stat. 1838, ch. 21, secs. 20, 22. Rev. Stat. 1843, ch. 4, secs. 26, 27; ch. 5, secs. 69, 71. 1 Rev. Stat. 1852, ch. 31, secs. 3, 4. Acts 1881 (Spec. Sess.), ch. 47, secs. 10, 11. Acts 1889, ch. 87, secs. 3, 4. Acts 1897, ch. 131. Acts 1901, ch. 201.

These laws were superseded as to primary elections by an act of 1915 and as to general elections by an act of 1929. Acts 1915, ch. 105, secs. 5, 7. Acts 1929, ch. 150.

<sup>104</sup> Acts 1885 (Spec. Sess.), ch. 40, sec. 1. Acts 1905, ch. 157, secs. 1, 14. Acts 1907, ch. 252, secs. 1, 2. Acts 1933, ch. 264, sec. 81.

<sup>105</sup> Acts 1816-17, ch. 19, sec. 1. Acts 1817-18 (general), ch. 42, sec. 1. Acts 1818-19, ch. 8, sec. 3. Rev. Laws 1824, ch. 15, sec. 7. Rev. Laws 1831, ch. 81, secs. 3, 4.

<sup>106</sup> Acts 1817-18 (general), ch. 14, sec. 1. Rev. Laws 1824, ch. 15, sec. 7; ch. 72, secs. 1, 2. Rev. Stat. 1838, ch. 21, secs. 20-22; ch. 79, sec. 9. Rev. Stat. 1843, ch. 4, secs. 26, 27, 160; ch. 5, secs. 69-71. 1 Rev. Stat. 1852, ch. 81, secs. 1, 2; ch. 110, secs. 5, 17.

<sup>107</sup> Acts 1817-18 (general), ch. 68, sec. 8. Rev. Laws 1824, ch. 15, sec. 7; ch. 39, sec. 11. Rev. Stat. 1838, ch. 21, sec. 27. Rev. Stat. 1843, ch. 4, secs. 49, 146, 160; ch. 7, sec. 20. 1 Rev. Stat. 1852, ch. 92.



1865),<sup>108</sup> road supervisors (township or district, 1818 to 1853),<sup>109</sup> school superintendents and trustees (lands and funds, 1818 to 1853),<sup>110</sup> a tax collector (1824 to 1841),<sup>111</sup> tobacco inspectors (1818 to 1857),<sup>112</sup> and a treasurer (1818 to 1841).<sup>113</sup>

The board of commissioners has always had the power to establish, construct, and maintain roads. From 1879 until 1913 the board constituted, ex officio, a board of turnpike directors for the management and control of all free turnpikes in the county. The board divided the county into three districts, and each director had personal supervision of one district.<sup>114</sup> Since 1913 the surveyor, county highway superintendent (1913 to 1933), and county highway supervisor (1933 to date), acting under the control of the board of commissioners, have had charge of the construction and maintenance of county highways.<sup>115</sup>

The county council and the board of commissioners, acting together, approve the acceptance of lands donated to the county for purposes of a public forest;<sup>116</sup> hold hearings on petitions

<sup>108</sup> Acts 1816-17, ch. 8, sec. 4. Acts 1822-23, ch. 25, sec. 5. Rev. Stat. 1838, ch. 91, secs. 66, 67, 75, 79. Rev. Stat. 1843, ch. 16, secs. 5, 6. 1 Rev. Stat. 1852, ch. 48, secs. 1-4, 46; ch. 115, sec. 4. Acts 1865 (Spec. Sess.), ch. 29, secs. 2, 3.

<sup>109</sup> Acts 1817-18 (general), ch. 43, secs. 11, 21. Acts 1822-23, ch. 76, sec. 2. Rev. Laws 1824, ch. 87, sec. 12. Rev. Stat. 1838, ch. 91, secs. 34-38. Rev. Stat. 1843, ch. 4, secs. 26, 27, 160; ch. 5, secs. 69, 71; ch. 16, secs. 75-79. 1 Rev. Stat. 1852, ch. 102, secs. 1-4. Acts 1879 (Spec. Sess.), ch. 115, sec. 1. Acts 1881 (Spec. Sess.), ch. 63, secs. 1, 25. Acts 1905, ch. 167, sec. 79. Acts 1919, ch. 112, sec. 18. Acts 1921, ch. 262, sec. 47.

<sup>110</sup> Acts 1816-17, ch. 12, sec. 1. Acts 1817-18 (general), ch. 49, sec. 1. Rev. Laws 1824, ch. 15, sec. 7; ch. 22, secs. 2, 3; ch. 97, sec. 1. Rev. Laws 1831, ch. 20, sec. 25. Rev. Stat. 1838, ch. 21, sec. 25. Rev. Stat. 1843, ch. 14, sec. 31. 1 Rev. Stat. 1852, ch. 97.

<sup>111</sup> Rev. Laws 1824, ch. 86, secs. 18, 42. Rev. Laws 1831, ch. 81, secs. 17, 18. Acts 1840-41 (general), ch. 4, secs. 1, 13-22.

<sup>112</sup> Acts 1816-17, ch. 11, sec. 4. Rev. Laws 1824, ch. 109, sec. 4. Rev. Laws 1831, ch. 50, secs. 1-6. Rev. Stat. 1838, ch. 53. Rev. Stat. 1843, ch. 27. 1 Rev. Stat. 1852, ch. 55, sec. 1.

The power to appoint tobacco inspectors was transferred to the judge of the circuit court in 1857. Acts 1857; Burns 67-308; Baldwin 9461.

<sup>113</sup> Acts 1816-17, ch. 17, secs. 2, 3. Acts 1817-18 (general), ch. 44, secs. 2, 3. Rev. Laws 1824, ch. 15, sec. 7; ch. 23, secs. 1, 2. Acts 1840-41 (general), ch. 4, secs. 1, 13-22. Rev. Stat. 1843, ch. 4, secs. 2, 18.

<sup>114</sup> Acts 1879 (Spec. Sess.), ch. 115, sec. 1.

<sup>115</sup> Acts 1901, ch. 228. Acts 1911, ch. 105. Acts 1913, ch. 40, sec. 1; ch. 330, sec. 1. Acts 1933; Burns 36-1101, 36-1110; Baldwin 8699, 8708. See the essays entitled "Surveyor" and "County Highway Supervisor."

<sup>116</sup> Acts 1929; Burns 32-105; Baldwin 4879.

for the condemnation of school buildings as unfit for use, and decide for or against such condemnation, subject to appeal to the circuit court;<sup>117</sup> determine, on proper petition, the order in which county road projects shall be established and constructed, in the event two or more petitions for such projects are on file with the auditor at the same time;<sup>118</sup> and rebuild courthouses and jails destroyed by fire or windstorm, and issue bonds to defray the expense thereof.<sup>119</sup>

A regular session of the board of commissioners begins on the 1st Monday of each month and continues so long as the necessary business of the session requires.<sup>120</sup> Special sessions are held when called by the auditor, or, in case of death or disqualification, by the clerk of the circuit court or the recorder, respectively.<sup>121</sup> Any two members constitute a quorum to do business.<sup>122</sup> The sheriff, in person or by deputy, attends the meetings of the board and executes its orders.<sup>123</sup> All meetings of the board are open to the public.<sup>124</sup> The board adopts regulations for the transaction of business; and in the trial of causes it is required to comply, so far as practicable, with the rules for conducting business in the circuit court.<sup>125</sup> Whenever, in the trial of any cause, two or more members of the board are disqualified, the judge of the circuit court appoints special commissioners to act in their places.<sup>126</sup> Members of the board of commissioners are privileged from arrest and from obeying any subpoena to testify, during any session of the board and while going to and returning from the same.<sup>127</sup>

Though appeals may be taken to the circuit court to review all judicial decisions of the board, no appeal lies from the action of the board in a purely ministerial or adminis-

---

<sup>117</sup> Acts 1931; Burns 28-3001 to 28-3006; Baldwin 6143 to 6148.

<sup>118</sup> Acts 1931; Burns 36-327 to 36-331; Baldwin 8751 to 8755.

<sup>119</sup> Acts 1935; Burns, 1939 suppl., 26-2011; Baldwin, 1935 suppl., 5240-1.

<sup>120</sup> Acts 1899; Burns 26-550; Baldwin 5221.

<sup>121</sup> Acts 1863, 1899; Burns 26 607 to 26-610; Baldwin 5222 to 5225.

<sup>122</sup> 1 Rev. Stat. 1852, Acts 1929; Burns 26-601; Baldwin 5215.

<sup>123</sup> 1 Rev. Stat. 1852; Burns 26-611; Baldwin 5226.

<sup>124</sup> 1 Rev. Stat. 1852; Burns 26 623; Baldwin 5239.

<sup>125</sup> 1 Rev. Stat. 1852; Burns 26-617; Baldwin 5228.

<sup>126</sup> Acts 1913; Burns 26-614 to 26-6 6; Baldwin 5229 to 5231.

<sup>127</sup> 1 Rev. Stat. 1852; Burns 3-401; Baldwin 721.

trative capacity, unless a statute specifically allows it.<sup>128</sup> Appeals are specifically provided for in proceedings concerning claims against the county,<sup>129</sup> removal of the county seat,<sup>130</sup> licensing of public ferries,<sup>131</sup> establishment or modification of townships,<sup>132</sup> and in highway matters.<sup>133</sup>

The auditor, as clerk of the board, attends its meetings, keeps a record of its proceedings, and preserves in his office all the books and papers touching the business of the county.<sup>134</sup>

#### PROCEEDINGS AND REPORTS

1. COMMISSIONERS' DOCKET, 1860-Oct. 23, 1911. 23 vols. (1-8, one vol. not labeled, 10-23).

Record of documents filed in commissioners' court, showing date, number and nature of document, names of principals, action taken, and volume and page reference to Commissioners' Record, entry 2. Also contains: Claim and Allowance Record, entry 11. Arr. chron. by dates of documents. No index. Hdw. 592 pp. 18 x 12 x 3. 1 vol., 1860-May 1865, bsmt. stor. rm.; 22 vols., June 1865-1911, aud. and treas. rec. rm.

2. COMMISSIONERS' RECORD, 1818-. 25 vols. (A, two vols. dated, D-Y). Title varies: Record Book, 1824-31, 1 vol.; Order Book, 1832-49, 3 vols.

Minutes of meetings of board of commissioners, showing date and place of meeting, term of court, names of members present, subjects discussed, and action taken. Also contains: Allowance Docket, 1818-98, 1902-10, entry 13; Soldiers' Burial Record, 1902-10, entry 15; Road Record, 1825-74, entry 16. Arr. chron. by court terms, thereunder chron. by dates of meetings. For index, 1818-69, 1900-1905, see entry 3; 1870-99, 1906-, no index. 1818-1930 hdw.; 1931-, typed. 500 pp. 18 x 13 x 3. 24 vols., 1818-Mar. 1930, aud. and treas. rec. rm.; 1 vol., Apr. 1930-, aud. off.

<sup>128</sup> 1 Rev. Stat. 1852; Burns 26-901; Baldwin 5277. *State ex rel. Starry v. Board of County Comrs.* (1893), 136 Ind. 207, 35 N. E. 1100; *State ex rel. Sink v. Circuit Court* (1938), 214 Ind. 323, 15 N. E. (2d) 624.

<sup>129</sup> Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275.

<sup>130</sup> Acts 1885 (Spec. Sess.); Burns 26-410.

<sup>131</sup> 1 Rev. Stat. 1852; Burns 36-2615; Baldwin 7705.

<sup>132</sup> Acts 1859, 1939; Burns, 1939 suppl., 26-701; Baldwin, 1939 suppl., 16055. *State ex rel. Sink v. Circuit Court* (1938), 214 Ind. 323, 15 N. E. (2d) 624.

<sup>133</sup> Acts 1905; Burns 36-1501; Baldwin 8858.

<sup>134</sup> 1 Rev. Stat. 1852; Burns 26-611, 26-621, 49-3004; Baldwin 5226, 5238, 5418.

Docketing claims. Acts 1897; Burns 26-806; Baldwin 5256.

3. GENERAL INDEX TO COMMISSIONERS' RECORD, 1818-69, 1900-1905. 3 vols. (one vol. not labeled, 1, 3).

Partial index to Commissioners' Record, entry 2, showing date of meeting, subject of business discussed, and volume and page reference to recording. Arr. alph. by subjects of business. Hdw. 400 pp. 16 x 11 x 2. 2 vols., 1818-69, aud. and treas. rec. rm.; 1 vol., 1900-1905, bsmt. stor. rm.

#### BOND ISSUES

4. BOND REGISTER, 1881-. 3 vols. (one vol. not labeled, 2, 3).

Register of bonds issued to finance county expenditures, showing dates of issue, sale, maturity and redemption, number, name, amount, interest rate and purpose of issue, amount of sale, and name of purchaser. Arr. chron. by dates of issue. 1881-1905, no index; 1906-, indexed alph. by names of bond issues. Hdw. 350 pp. 18 x 12 x 3. 1 vol., 1881-1905, aud. and treas. rec. rm.; 2 vols., 1906-, aud. off.

5. BONDS AND COUPONS, 1911-. 1 carton, 11 f. b.

Redeemed bonds and coupons, showing dates of bond, redemption and filing, numbers and amounts of bond and coupons, nature of bond, and name of purchaser. Arr. chron. by dates of filing. No index. Ptd. Carton, 12 x 12 x 10; f. b., 10 x 5 x 14. 1 carton, 1911-28, bsmt. stor. rm.; 10 f. b., 1929-33, aud. and treas. rec. rm.; 1 f. b., 1934-, aud. off.

#### LIQUOR DEALERS' SURETY BONDS

6. RETAILER'S BOND RECORD, 1875-1911. 2 vols. (one vol. not labeled, 1). Title varies: Liquor Bond Record, 1875-96, 1 vol. Discontinued by an act of 1918. Filed with state excise director 1933-34; Alcoholic Beverage Commission of Indiana 1935-.

Record of bonds posted by dealers in alcoholic liquors, showing date, amount and condition of bond, names of dealer and sureties, and location and description of place of business. Arr. chron. by dates of bonds. Indexed alph. by names of dealers. Hdw. 400 pp. 16 x 10 x 2. Aud. and treas. rec. rm.

#### BIDS AND CONTRACTS

7. BIDDER'S RECORD, 1935-. 1 vol. (1).

Record of all bids submitted to board of commissioners, show-



ing date bids opened, name of publication, name and address of bidder, requisition number, unit price, and date of purchase order. Arr. chron. by dates bids opened. No index. Hdw. 200 pp. 12 x 12 x 2. Aud. and treas. rec. rm.

8. POOR FARM-REQUISITIONS FOR SUPPLIES, BIDS, BOND CONTRACTS AND QUARTERLY REPORTS, 1915-. 1 bdl., 2 f. b. Instruments relative to operation of county poor farm, including:

- i. Requisitions, showing dates of requisition and filing, and itemized statement of materials and supplies required.
- ii. Bids, showing dates of bid and filing, name of bidder, itemized statement of materials and supplies, and unit price.
- iii. Bonds, showing date, amount and conditions of bond, date of filing, and names of principal and sureties.
- iv. Reports, showing dates of report and filing, number of inmates, name, age, color, sex, mental and physical condition of inmate, and total cost of operation.

Arr. chron. by dates of filing. No index. Hdw. and typed. Bdl., 10 x 12 x 8; f. b., 10 x 4 x 15. 1 bdl., 1915-22, bsmt. stor. rm.; 2 f. b., 1923-, aud. and treas. rec. rm.

9. POOR FARM AND JAIL INS[urance], TRUCK TITLES AND INS[urance], 1918-. 1 carton, 1 f. b.

Certificates of title and insurance policies, including:

- i. Certificates of title to county owned vehicles, showing date and number of certificate, engine number, make and model, style of body, and year built. Arr. chron. by dates of certificates.
- ii. Fire and tornado insurance policies on county property, showing date and number of policy, name of insurance company, amount of insurance and premium, location and description of property, and conditions of policy. Arr. chron. by dates of policies.

No index. Typed. Carton, 12 x 12 x 8; f. b., 10 x 4 x 15. 1 carton, 1918-35, bsmt. stor. rm.; 1 f. b., 1936-, aud. and treas. rec. rm.

10. BIDS, BONDS AND CONTRACTS FOR HIGHWAY CONSTRUCTION, 1937-. 1 f. d.

Bids, bonds and contracts for construction and maintenance of highways, including:

- i. Bids, showing dates of bid and filing, name of bidder, and amount of bid.
- ii. Bonds, showing dates of bond and filing, names of contractor and sureties, and amount and conditions of bond.
- iii. Contracts, showing dates of contract and filing, names of contractor and highway, and amount and conditions of contract.

Arr. chron. by dates of filing. No index. Hdw. and typed.  
10 x 6 x 16. Aud. off.

#### CLAIMS AND ALLOWANCES

11. CLAIM AND ALLOWANCE RECORD, Apr. 1911-. 8 vols. (1-6, 6, 7). Claims, 1860-Oct. 23, 1911 in Commissioners' Docket, entry 1.

Record of claims filed, showing date, number, nature and amount of claim, date of filing, name of claimant, date, number, nature and amount of warrant, and names of payee and fund. Also contains: Allowance Docket, entry 13; Soldiers' Burial Record, entry 15. Arr. chron. by dates of allowances. No index. Hdw. 642 pp. 16 x 11 x 3. 6 vols., 1911-May 22, 1933, aud. and treas. rec. rm.; 2 vols., May 29, 1933-, aud. off.

12. COMMISSIONERS' CLAIMS, 1924-. 4 cartons, 28 f. b.

Claims allowed by board of commissioners, showing dates of claim and filing, name of claimant, amount and nature of claim, and amount allowed. Arr. chron. by dates of claims. No index. Hdw. Cartons, 18 x 15 x 15; f. b., 10 x 5 x 14. 4 cartons, 1924-38, bsmt. stor. rm.; 28 f. b., 1939-, aud. and treas. rec. rm.

13. ALLOWANCE DOCKET, June 1, 1899-1901. 1 vol. 1818-98, 1902-10 in Commissioners' Record, entry 2; 1911- in Claim & Allowance Record, entry 11.

Record of allowances on claims filed, showing date, nature and amount of allowance, number of order or warrant, and names of payee and fund. Also contains: Soldiers' Burial Record, entry 15. Arr. chron. by dates of allowances. No index. Hdw. 642 pp. 16 x 11 x 3. Aud. and treas. rec. rm.

14. TREASURER OF STATE CLOTHING ACCOUNT, 1927-. 1 f. b. State institution claims, including:

- i. Claims for reimbursement of expenditures for maintenance and transportation of inmates in state institutions, showing dates of claim and filing, nature, number and amount of claim, and names of inmate and institution. Arr. chron. by dates of filing.

- ii. Receipts issued for transportation furnished inmates of state institutions, showing date, number and amount of receipt, names of transportation company and inmate, and type of transportation furnished. Arr. num. by receipt nos.

No index. 10 x 4 x 15. Aud. and treas. rec. rm.

15. SOLDIERS' BURIAL RECORD, 1896-June 1898. 1 vol. June 1, 1899-1901 in Allowance Docket, entry 13; 1902-10 in Commissioners' Record, entry 2; 1911- in Claim & Allowance Record, entry 11.

Record of allowances for burials of soldiers, sailors and marines, showing dates of enlistment, discharge and death, name, address, occupation, rank and branch of service of veteran, names of commander, township and trustee, date and place of burial, and statement of expenses incurred. Arr. chron. by dates of deaths. Indexed alph. by names of veterans. Hdw. 298 pp. 16 x 11 x 1½. Aud. and treas. rec. rm.

For other military records, see entries 48, 87.

#### PUBLIC IMPROVEMENTS

(See also entries 236, 237, 300, 391-403)

16. ROAD RECORD, 1818-24, 1875-. 7 vols. (one vol. not labeled, 1-6). 1825-74 in Commissioners' Record, entry 2.

Record of actions and proceedings for construction and maintenance of highways, showing date of action, names of road, petitioners, remonstrators, viewers, engineers and contractors, transcripts of petitions, remonstrances, viewers' reports, specifications, bids, contracts and contractors' bonds, estimate of cost, amount of contractor's bond, and action taken. Arr. chron. by dates of actions. Indexed alph. by titles of instruments. 1818-24, 1875-1908, hdw.; 1909-, typed. 400 pp. 16 x 11 x 2. 6 vols., 1818-24, 1875-1929, aud. and treas. rec. rm.; 1 vol., 1930-, aud. off.

17. COMMISSIONER'S GRAVEL ROAD RECORD, 1896-1906, 1909-32. 4 vols. (1, 3-5). Discontinued.

Record of actions and proceedings for construction and maintenance of gravel roads, showing dates of meeting, petitions, viewers' reports, bids, contracts and bonds, names of petitioners, remonstrators, viewers, contractors and road, location and description of road, conditions of contract, and amount of contractor's bond. Arr. chron. by dates of meetings.

No index. Hdw. 400 pp. 16 x 11 x 2. 3 vols., 1896-1906, 1909-29, aud. and treas. rec. rm.; 1 vol., 1930-32, aud. off.

18. PIKE ROAD PETITIONS, 1910-. 12 f. b. Title varies:  
Old Pike Road Petitions, 1910-19, 2 f. b.

Documents pertaining to construction and maintenance of pike roads, including:

- i. Petitions, showing dates of petition and filing, names of petitioners, and location of road.
- ii. Bids, showing dates of bid and filing, name of bidder, and amount of bid.
- iii. Contracts, showing dates of contract and filing, name of contractor, and amount and conditions of contract.
- iv. Proofs of publication of notices for bids, showing dates of notice and filing, location and description of road, and dates for receiving bids.

Arr. chron. by dates of filing. No index. Hdw., typed and printed. 10 x 4 x 15. Aud. and treas. rec. rm.

19. DIRT ROAD PETITIONS, 1911-. 1 f. b.

Documents pertaining to construction and maintenance of dirt roads, including:

- i. Petitions, showing dates of petition and filing, names of petitioners, and location of proposed road.
- ii. Notices of hearing, showing dates of notice, hearing and filing, place of hearing, and location of proposed road.
- iii. Remonstrances, showing dates of remonstrance and filing, names of remonstrators, and reason for objection.
- iv. Viewers' reports, showing dates of report and filing, names of viewers, location and description of proposed road, and detailed particulars of report.
- v. Engineers' estimates, showing dates of estimate and filing, names of engineers, itemized estimate of material and labor, and estimate of total cost.
- vi. Bids, showing dates of bid and filing, name of bidder, and amount of bid.
- vii. Contracts, showing dates of contract and filing, name of contractor, and amount and conditions of contract.
- viii. Contractor's bonds, showing dates of bond and filing, names of contractor and sureties, and amount and condition of bond.



Arr. chron. by dates of filing. No index. Hdw., typed and ptd. 10 x 4 x 15. Aud. and treas. rec. rm.

20. BRIDGE PETITIONS, BIDS, BONDS AND CONTRACTS, 1911-  
3 f. b.

Documents pertaining to construction and maintenance of bridges, including:

- i. Petitions, showing dates of petition and filing, names of petitioners, and location of proposed bridge.
- ii. Engineers' estimates, showing dates of estimate and filing, names of engineers, itemized estimate of material and labor, and estimate of total cost.
- iii. Proofs of publication of notices for bids, showing dates of notice and filing, location and description of bridge, and dates for receiving bids.
- iv. Bids, showing dates of bid and filing, name of bidder, and amount of bid.
- v. Contractors' bonds, showing dates of bond and filing, names of contractor and sureties, and amount and conditions of bond.
- vi. Notices of acceptance, showing dates of acceptance and filing, date of completion, names of contractor and bridge, and cost of construction.

Arr. chron. by dates of filing. No index. Hdw., typed and ptd. 10 x 4 x 15. Aud. and treas. rec. rm.

21. CEMETERY ROAD PETITIONS, 1929-. 1 f. b.

Documents pertaining to construction and maintenance of cemetery roads, including:

- i. Petitions, showing dates of petition and filing, name of petitioners, and location of proposed road.
- ii. Notices of hearing, showing dates of notice, hearing and filing, place of hearing, and name of cemetery.
- iii. Viewers' reports, showing dates of report and filing, names of viewers, location and description of proposed road, and detailed particulars of report.
- iv. Bids, showing dates of bid and filing, name of bidder, and amount of bid.
- v. Contracts, showing dates of contract and filing, name of contractor, and amount and conditions of contract.

Arr. chron. by dates of filing. No index. Hdw. 10 x 4 x 15. Aud. and treas. rec. rm.

22. COUNTY HIGHWAY SUPERVISORS' REQUISITIONS, June 22, 1935-. 1 f. d.

Requisitions for supplies and materials for construction and maintenance of highways, showing dates of requisition and filing, itemized list of materials and supplies requested, requisition number, and date for delivery. Arr. num. by requisition nos. No index. June 22, 1935-Sept. 1937, hdw.; Oct. 1937-, typed. 2 x 16 x 10. Aud. off.

## II. COUNTY COUNCIL

### LEGAL STATUS

The Monroe County Council exists under the mandatory provisions of an act of 1899, commonly referred to as the County Reform Law.<sup>1</sup> The council is composed of seven members. Each councilman is elected for a term of 4 years, and holds his office until his successor has been elected and qualified. The county is divided by the board of commissioners into four councilmanic districts; and one councilman is elected by the voters of each district. Three councilmen at large are elected by the voters of the whole county.<sup>2</sup> Each councilman receives a certificate of election from the clerk of the circuit court and is not commissioned by the governor.<sup>3</sup> Members of the first council were appointed in 1899 by the judge of the circuit court.<sup>4</sup> The county auditor, in person or by deputy, serves as clerk of the county council.<sup>5</sup> At an organization meeting held on the 2d Saturday after its election, the council chooses from its members a presiding officer and a presiding officer *pro tem*, who serve for the terms of their respective offices as councilmen.<sup>6</sup>

Each member must have been an inhabitant of the county during 1 year next preceding the date of his election or appointment. A councilman at large must be a qualified voter and resident freeholder of the county; and each of the other members must be a qualified voter and resident freeholder of

---

<sup>1</sup> Acts 1899; Burns 26-501; Baldwin 5365.

<sup>2</sup> Const. 1851, art. 15, sec. 3. Acts 1899, 1907; Burns 26-502, 26-505; Baldwin 5366, 5369.

<sup>3</sup> Const. 1851, art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201, 49-202; Baldwin 13095, 13096.

<sup>4</sup> Acts 1899; Burns 26-548.

<sup>5</sup> Acts 1899; Burns 26-509; Baldwin 5373.

<sup>6</sup> Acts 1899, 1931; Burns 26-507; Baldwin 5371.

the district from which he was elected or appointed. No person can hold the office of councilman while holding any other county office or any state, township, or municipal office.<sup>7</sup> Each councilman must take an oath that he will support the state and federal constitutions and that he will faithfully and honestly perform his duties as councilman.<sup>8</sup>

A councilman receives a salary of \$15 per year plus \$10 for each day served at special meetings of the council.<sup>9</sup> Before 1927 there was no additional compensation for serving at special meetings.<sup>10</sup> From 1899 until 1933 the auditor was entitled to a suitable annual allowance by the county council in an amount not less than \$200 nor more than \$600 (in addition to his regular salary), for his services as clerk of the county council; but since 1933 his annual salary of \$2,800 has been compensation for his regular duties and also his duties as clerk of the county council.<sup>11</sup>

For sufficient legal grounds any councilman may be removed from office by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.<sup>12</sup> If any councilman is convicted of a felony the judgment of conviction must declare his office vacant.<sup>13</sup> The county council has the power to expel any councilman for disability, ineligibility, neglect to perform the duties of his office, or violation of official duties; and no law specifically provides for a review of such expulsion.<sup>14</sup> Any vacancy in the membership of the council is filled through appointment by the remaining members of the council at a special meeting held for that purpose. A person appointed to fill such vacancy holds office until the expiration of the

---

<sup>7</sup> Const. 1851, art. 2, sec. 9; art. 6, secs. 4, 6. Acts 1899; Burns 26-504; Baldwin 5368. State *ex rel.* Workman v. Goldthait (1909), 172 Ind. 210, 87 N. E. 133.

<sup>8</sup> Const. 1851, art. 15, sec. 4. Acts 1899; Burns 26-506; Baldwin 5370. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

<sup>9</sup> Acts 1899, 1927; Burns 26-503; Baldwin 5367.

<sup>10</sup> Acts 1899, ch. 154, sec. 3.

<sup>11</sup> Acts 1899; Burns 26-509, 26-550; Baldwin 5373, 5221. Acts 1933; Burns 49-1001, 49-1004; Baldwin 7531, 7534. *Opinions of the Attorney General of Indiana, 1934*, p. 313; 1936, p. 130.

<sup>12</sup> Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1899; Burns 26-504; Baldwin 5368. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13163. Acts 1875; Burns 49-837; Baldwin 13052.

<sup>13</sup> Acts 1897, 1899; Burns 49-834; Baldwin 13050.

<sup>14</sup> Acts 1899; Burns 26-504, 26-512; Baldwin 5368, 5376.

term in which such vacancy occurred and until his successor is elected and qualified.<sup>15</sup>

The purpose of the general assembly in creating the county council in 1899 was to place limits and checks on county business and on payments out of the county treasury.<sup>16</sup> Before 1899 the board of commissioners performed the duties now performed by the council.<sup>17</sup>

#### FUNCTIONS AND RECORDS

The county council makes appropriations of money to be paid out of the county treasury, makes county tax levies, fixes the county tax rates,<sup>18</sup> authorizes the borrowing of money for the county,<sup>19</sup> authorizes the county to purchase, sell, or convey real estate of the value of \$1,000 or more,<sup>20</sup> and fixes the amounts of salaries of deputy officers and other assistants of county officers.<sup>21</sup> In making appropriations, the council considers estimates of expenditures which are filed by all county officers with the auditor and presented by him to the council with his recommendations and proposed ordinances.<sup>22</sup> Such appropriations, tax levies, and tax rates are subject to review by the county board of tax adjustment or the state board of tax commissioners.<sup>23</sup> In mandamus proceedings the courts can compel the county council to make appropriations and tax levies where it is the statutory duty of the council to do so; and this is true though such duty rests on the performance of a condition, if in fact the condition has been performed.<sup>24</sup> The authorization by the council

<sup>15</sup> Const. 1851, art. 15, sec. 3. Acts 1899, 1907; Burns 26-505; Baldwin 5369.

<sup>16</sup> Acts 1899; Burns 26-529; Baldwin 5383. *Snider v. State ex rel. Leap* (1934), 206 Ind. 474, 190 N. E. 178.

<sup>17</sup> 1 Rev. Stat. 1852, ch. 6, sec. 1; ch. 20, secs. 13, 16-18, 21, 22.

<sup>18</sup> Acts 1899, 1931; Burns 26-507, 26-515, 26-520; Baldwin 5371, 5379, 5384. Acts 1899, 1907, 1913, 1937; Burns, 1939 suppl., 26-521; Baldwin, 1937 suppl., 5385. Acts 1899, 1935; Burns, 1939 suppl., 26-522; Baldwin, 1935 suppl., 5386.

<sup>19</sup> Acts 1899, 1921, 1929; Burns 26-532, 26-540; Baldwin 5396, 5405.

<sup>20</sup> Acts 1903; Burns 22-3201; Baldwin 4507. Acts 1899; Burns 26-534; Baldwin 5399.

<sup>21</sup> Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532.

<sup>22</sup> Acts 1899; Burns 26-516 to 26-520; Baldwin 5380 to 5384. Acts 1899, 1907, 1913, 1937; Burns, 1939 suppl., 26-521; Baldwin, 1937 suppl., 5385.

<sup>23</sup> Acts 1937; Burns, 1939 suppl., 64-310, 64-311; Baldwin, 1937 suppl., 15897-4, 15897-5. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

<sup>24</sup> Acts 1899; Burns 26-528; Baldwin 5392. *State ex rel. Simpson v. Meeker* (1914), 182 Ind. 240, 105 N. E. 906; *State ex rel. Test v. Steinwedel* (1932), 293 Ind. 457, 180 N. E. 865; *Blue v. State ex rel. Powell* (1936), 210 Ind. 486, 1 N. E. (2d) 122.



of the issuance of bonds or notes in an amount exceeding \$5,000, excepting temporary obligations, is subject to review by the state board of tax commissioners; and no bonds or notes bearing interest greater than 5 percent per annum can be issued without the approval of said board.<sup>25</sup>

The county council and the board of commissioners, acting together, approve the acceptance of lands given or devised to the county for purposes of a public forest;<sup>26</sup> hold hearings on petitions for the condemnation of school buildings as unfit for use, and decide for or against such condemnation, subject to appeal to the circuit court;<sup>27</sup> determine, on proper petition, the order in which county highway projects shall be established and constructed, in the event two or more petitions for such projects are on file with the auditor at the same time;<sup>28</sup> and rebuild courthouses and jails destroyed by fire or windstorm, and issue bonds to defray the expense thereof.<sup>29</sup>

It is unlawful for any councilman to be interested personally in any contract with the county, or to purchase, for less than par, any bond, warrant, claim, or demand against the county.<sup>30</sup>

The county council holds a regular annual meeting on the 1st Tuesday after the 1st Monday of September of each year. Special meetings may be called by the auditor or a majority of the members of the council.<sup>31</sup> The sessions are open to the public and may continue until all business is completed.<sup>32</sup> A majority of all the members constitutes a quorum to do business, and such majority must concur in the passage of ordinances.<sup>33</sup> A greater vote is required in order to expel a member (two-thirds),<sup>34</sup> adopt appropriations for items not included in budget estimates or for amounts greater than those of the items in the budget estimates (three-fourths),<sup>35</sup> adopt

---

<sup>25</sup> Acts 1919, 1920 (Spec. Sess.), 1921, 1923; Burns 64-1332; Baldwin 15736. Citizens Bank v. Burnettsville (1932), 98 Ind. App. 92, 179 N. E. 724.

<sup>26</sup> Acts 1929; Burns 32-105; Baldwin 4879.

<sup>27</sup> Acts 1931; Burns 28-3001 to 28-3006; Baldwin 6143 to 6148.

<sup>28</sup> Acts 1931; Burns 36-327 to 36-331; Baldwin 8751 to 8755.

<sup>29</sup> Acts 1935; Burns, 1939 suppl., 26-2011; Baldwin, 1935 suppl., 5240-1.

<sup>30</sup> Acts 1999; Burns 26-513, 26-514; Baldwin 5377, 5378.

<sup>31</sup> Acts 1899, 1931; Burns 26-507; Baldwin 5371.

<sup>32</sup> Acts 1899; Burns 26-508; Baldwin 5372.

<sup>33</sup> Acts 1899; Burns 26-511; Baldwin 5375.

<sup>34</sup> Acts 1899; Burns 26-512; Baldwin 5376.

<sup>35</sup> Acts 1899; Burns 26-520; Baldwin 5384.

appropriations at a special meeting (two-thirds),<sup>36</sup> and to levy taxes for the maintenance of county roads (unanimous).<sup>37</sup> The sheriff, in person or by deputy, attends the sessions of the council and executes its orders.<sup>38</sup>

The auditor, as *ex officio* clerk of the council, keeps in his office the files and papers of the council and a record of its proceedings.<sup>39</sup> He keeps separate accounts for each specific item of appropriation made by the council.<sup>40</sup>

23. COUNTY COUNCIL RECORD, 1899-. 2 vols. (1, 2). Minutes of meetings of county council, showing date and place of meeting, names of members present, nature of business discussed, and action taken. Also contains: Board of Tax Adjustment Record, 1933-, entry 220. Arr. chron. by dates of meetings. 1899-Mar. 7, 1910, indexed alph. by subjects of business discussed; Sept. 1910-, no index. 1899-1908, hdw.; 1909-, typed. 600 pp. 18 x 13 x 3. Aud. off.

24. COUNTY COUNCIL, BUDGETS & TAX LEVIES, APPROPRIATIONS, 1936-. 2 f. b.

County council documents, including:

- i. County official estimates, showing dates of estimate and filing, names of official and office, and estimated amount of funds required.
  - ii. Ordinances of appropriations, showing date, amount and purpose of appropriation, and names of county council members.
  - iii. Certificates of tax levies, showing date of certificate, name of taxing unit, and amount of levy.
- Also contains: [Tax Adjustment Board Documents], 1937-, entry 221. Arr. chron. by dates of instruments. No index. Typed. 10 x 5 x 16. Aud. and treas. rec. rm.

### III. CLERK OF THE CIRCUIT COURT

#### LEGAL STATUS

The office of clerk of the circuit court exists under the

<sup>36</sup> Acts 1899, 1907, 1913, 1937; Burns, 1939 suppl., 26-521; Baldwin, 1937 suppl., 5385.

<sup>37</sup> Acts 1932 (Spec. Sess.); Burns 36-905; Baldwin 8715.

<sup>38</sup> Acts 1899; Burns 26-510; Baldwin 5374.

<sup>39</sup> Acts 1899; Burns 26-509; Baldwin 5373. State *ex rel.* Van Der Veer v. Butcher (1933), 205 Ind. 117, 185 N. E. 908.

<sup>40</sup> Acts 1899; Burns 26-523; Baldwin 5387.

mandatory provisions of the Constitution of 1851, and has existed in Monroe County since its organization in 1818. The clerk of the circuit court (commonly referred to as "county clerk") is elected for a 4-year term by the voters of the county.<sup>1</sup> He is commissioned by the Governor of Indiana<sup>2</sup> and holds office until his successor is elected and qualified.<sup>3</sup> No person is eligible to hold the office more than 8 years in any 12-year period.<sup>4</sup> The clerk must be an elector of the county at the time of his election, must have been an inhabitant thereof throughout the preceding year,<sup>5</sup> must reside within the county after his election, must not hold any other lucrative office,<sup>6</sup> and must not practice law.<sup>7</sup> He must post bond in an amount fixed by the board of commissioners, to be approved by that board and filed with the recorder.<sup>8</sup> The clerk must take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.<sup>9</sup> Under the Constitution of 1816 (which created the office in every county then or thereafter organized), the clerk was elected for a 7-year term and could hold the office of recorder.<sup>10</sup>

The clerk of the circuit court receives a regular salary of \$2,480 per year.<sup>11</sup> He receives \$125 for his services rendered at each general election, primary election, or special

---

<sup>1</sup> Const. 1816, art. 5, sec. 8. Const. 1851, art. 6, sec. 2. Acts 1816-17, ch. 3, sec. 4; ch. 14, secs. 1, 8. Acts 1817-18 (special), ch. 3, secs. 1, 3; ch. 6, sec. 1. Rev. Laws 1824, ch. 36, secs. 1, 3. 2 Rev. Stat. 1852; Burns 49-2701; Baldwin 1427.

<sup>2</sup> Const. 1816, art. 11, sec. 9. Const. 1851, art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

<sup>3</sup> Const. 1851, art. 15, sec. 3.

<sup>4</sup> *Ibid.*, art. 2, sec. 11; art. 6, sec. 2.

<sup>5</sup> Const. 1816, art. 11, sec. 14. Const. 1851, art. 6, sec. 4.

<sup>6</sup> Const. 1816, art. 11, secs. 6, 13. Const. 1851, art. 2, sec. 9; art. 6, sec. 6.

<sup>7</sup> Acts 1865, ch. 42 (misnumbered 62), sec. 2. Acts 1881 (Spec. Sess.), ch. 37, sec. 115. Acts 1905; Burns 10-3102; Baldwin 2636. *McCracken v. State* (1867), 27 Ind. 491.

<sup>8</sup> Acts 1816-17, ch. 2, sec. 4. Rev. Laws 1824, ch. 24, sec. 3. Rev. Stat. 1838, ch. 15, sec. 1; ch. 17, sec. 5. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-106, 49-120; Baldwin 13066, 13068. Acts 1851-52; Burns 49-123; Baldwin 13093. 2 Rev. Stat. 1852; Burns 49-2701; Baldwin 1427. Acts 1875; Burns 49-2703, 49-2704; Baldwin 1430, 1431.

<sup>9</sup> Const. 1851, art. 15, sec. 4. Acts 1816-17, ch. 2, sec. 4. Acts 1817-18 (special), ch. 3, sec. 3. Rev. Laws 1824, ch. 24, sec. 3. Rev. Laws 1831, ch. 15, sec. 5. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101, 49-104; Baldwin 13054, 13057.

<sup>10</sup> Const. 1816, art. 5, sec. 8; art. 11, sec. 10. Rev. Stat. 1843, ch. 4, sec. 62.

<sup>11</sup> Acts 1871, ch. 17, sec. 24. Acts 1933; Burns 49-1004; Baldwin 7534.

election.<sup>12</sup> For each registration blank or transfer of registration which he fills out and executes, he receives a sum fixed by the board of commissioners, not exceeding 4 cents; and in addition thereto receives reasonable compensation (fixed by the board of commissioners) for additional services rendered by him as registration officer.<sup>13</sup> He is not permitted to retain, as compensation for himself, any fees collected by him, except to the extent expressly authorized by statute in the following cases: Five cents for each mile necessarily traveled in going from the clerk's office to the governor's office, to receive state ballots, and in returning to the clerk's office; \$5 for his duties in connection with the admission or discharge of any person at any hospital for the insane, the Fort Wayne State School, the Muscatatuck Colony, the Indiana Village for Epileptics, or the James Whitcomb Riley Hospital for Children; fees for services in connection with warrants issued by the state department of treasury for the collection of gross income taxes; fees for the issuance of fish and game licenses; fees for preparing transcripts for change of venue from his county; and all fees for change of venue to his county, except for preparation of transcripts.<sup>14</sup>

For sufficient legal grounds the clerk of the circuit court may be removed from office by the circuit court after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.<sup>15</sup> If the clerk is convicted of a felony the judgment of conviction must declare his office vacant.<sup>16</sup>

Any vacancy in the office of clerk of the circuit court is filled through appointment by the board of commissioners. At the next biennial general election (held on the 1st Tuesday after the 1st Monday in November in the even-numbered

---

<sup>12</sup> Acts 1935; Burns, 1939 suppl., 29-1014; Baldwin, 1935 suppl., 7109-1.

<sup>13</sup> Acts 1933, 1935; Burns, 1939 suppl., 29-329; Baldwin, 1935 suppl., 7327.

<sup>14</sup> Acts 1841-42 (general), ch. 119, sec. 1. Acts 1871, ch. 17, sec. 20. Acts 1933; Burns 49-1001, 49-1005, 49-1007; Baldwin 7531, 7535, 7537. Acts 1933, 1937; Burns, 1939 suppl., 49-1007; Baldwin, 1937 suppl., 7537. Acts 1927; Burns 49-1301 to 49-1305; Baldwin 7561 to 7565. Acts 1933, 1937; Burns, 1939 suppl., 64-2613 (a); Baldwin, 1937 suppl., 15993 (a). *Opinions of the Attorney General of Indiana, 1938*, p. 303; *1939*, p. 258.

<sup>15</sup> Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

<sup>16</sup> Acts 1897, 1899; Burns 49-834; Baldwin 13050.



years), a clerk is elected for the remainder of the term in which the vacancy occurred. The person appointed or elected to fill a vacancy must take oath and post bond, as was required of his predecessor, and holds office until his successor is elected and qualified.<sup>17</sup>

The clerk may appoint deputies and assistants under authority from the board of commissioners. One deputy may be appointed without such authorization. The county council fixes the salaries of the deputies and assistants, which must be not less than \$75 nor more than \$200 per month.<sup>18</sup> The clerk may require any deputy to give bond.<sup>19</sup> The deputies must take the oath required of the clerk, may perform all the official duties of the clerk, and are subject to the same regulations and penalties.<sup>20</sup> The clerk may remove such deputies and assistants at any time, and is responsible for their official acts.<sup>21</sup>

#### FUNCTIONS AND RECORDS

The clerk of the circuit court files and keeps a record of official bonds and oaths of certain county and township officers. He approves some of these bonds and administers some of these oaths.<sup>22</sup> He approves and files the official

<sup>17</sup> Const. 1851, art. 6, sec. 9. Acts 1817-18 (general), ch. 17, secs. 1, 8. Rev. Laws 1824, ch. 10, sec. 4; ch. 36, sec. 1. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081. 1 Rev. Stat. 1852; Burns 49-405, 49-408, 49-409; Baldwin 13104, 13106, 13107. *Douglass v. State ex rel. Wright* (1869), 31 Ind. 429. *Opinions of the Attorney General of Indiana, 1936*, p. 9. Interview of July 11, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

<sup>18</sup> Acts 1871, ch. 17, sec. 25. 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532. *Opinions of the Attorney General of Indiana, 1934*, p. 256; 1937, p. 324.

<sup>19</sup> 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108.

<sup>20</sup> 1 Rev. Stat. 1852; Burns 49-502; Baldwin 13109.

<sup>21</sup> Rev. Laws 1824, ch. 10, sec. 2. 1 Rev. Stat. 1852; Burns 49-503; Baldwin 13110. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532.

<sup>22</sup> Acts 1816-17, ch. 2, sec. 3; ch. 11, sec. 4; ch. 13, secs. 3, 4, ch. 19, sec. 1; ch. 39, sec. 1. Acts 1817-18 (general), ch. 29, sec. 2; ch. 42, sec. 3; ch. 72, sec. 1. Acts 1817-18 (special), ch. 3, sec. 3. Acts 1818-19, ch. 2, sec. 1. Rev. Laws 1824, ch. 13, sec. 2; ch. 24, sec. 3; ch. 73, sec. 31. Rev. Laws 1831, ch. 15, sec. 7; ch. 20, sec. 23. Acts 1833-34, ch. 16, sec. 1. Rev. Stat. 1843 ch. 4, secs. 84, 86, 89; ch. 10, sec. 2. 2 Rev. Stat. 1852, Acts 1861; Burns 5-118; Baldwin 1847. Acts 1899, 1911, 1913; Burns 28-702; Baldwin 5931. 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068. Acts 1889; Burns 49-109; Baldwin 13064. Acts 1851-52; Burns 49-123; Baldwin 13093. Acts 1857; Burns 49-124; Baldwin 13077. Acts 1857; Burns 49-125; Baldwin 16118. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433. Acts 1889; Burns 49-3003; Baldwin 5417. 1 Rev. Stat. 1852, Acts 1865, 1919; Burns 49-3101; Baldwin 5548. Acts 1919, 1921; Burns 64-1001, 64-1101; Baldwin 15666, 15696. Acts 1915; Burns 65-103; Baldwin 16061.

bonds of notaries public, and he administers and files their official oaths.<sup>23</sup> Bonds of collection agencies are filed by the clerk after being approved by the judge of the circuit court. The clerk's receipt for such bond must accompany any application to the secretary of state for a license to operate a collection agency.<sup>24</sup> Formerly he kept a general index to various bonds approved or filed by him.

The clerk issues licenses for marriages. He records these licenses, the applications therefor, and certificates of marriage; and he makes monthly reports to the county health officer concerning marriages.<sup>25</sup>

The clerk issues licenses for physicians, surgeons,<sup>26</sup> midwives,<sup>27</sup> osteopaths,<sup>28</sup> chiropractors, drugless healers,<sup>29</sup> dentists,<sup>30</sup> optometrists,<sup>31</sup> hunting, trapping, fishing,<sup>32</sup>

<sup>23</sup> 1 Rev. Stat. 1852, Acts 1855; Burns 49-3503; Baldwin 13016.

<sup>24</sup> Acts 1937; Burns, 1939 suppl., 10-5001, 10-5002; Baldwin, 1937 suppl., 2468-5, 2468-6.

<sup>25</sup> Acts 1817-18 (general), ch. 34, secs. 3, 4, 6, 7. Rev. Stat. 1838, ch. 68, secs. 3, 6. Rev. Stat. 1843, ch. 35, secs. 8, 9, 12. Acts 1881, ch. 19, sec. 11. Acts 1891, ch. 15, sec. 11. Acts 1907, 1913; Burns 35-115; Baldwin 8398. 1 Rev. Stat. 1852, 1939; Burns, 1939 suppl., 44-201; Baldwin, 1939 suppl., 5622. 1 Rev. Stat. 1852; Burns 44-203; Baldwin 5624. Acts 1905, 1917; Burns 44-205; Baldwin 5625. Acts 1939; Burns, 1939 suppl., 44-213; Baldwin, 1939 suppl., 5624-1.

Before March 1, 1940 (the effective date of the 1939 law) a marriage license could be issued only in "the county in which the female resides." The 1939 law provided that the license may be issued in "the county in which application for such license is made." In 1938 the supreme court held that an injunction could be granted to prevent the clerk from violating this law. *Sweigart v. State* (1938), 213 Ind. 157, 12 N. E. (2d) 134.

The 1939 law provides that each applicant for a license must present a medical certificate showing that the applicant is not infected with communicable syphilis, but this provision may be waived by the judge of the circuit court "because of emergency or other causes shown by affidavit or other proof." Acts 1939; Burns, 1939 suppl., 44-213; Baldwin, 1939 suppl., 5624-1.

Common law marriage. *Young v. General Baking Co.* (1938), 104 Ind. App. 658, 12 N. E. (2d) 1016.

Ratification of void ceremonial marriage by living together after removal of disability of party. *Eddington v. Eddington* (1938), 213 Ind. 347, 12 N. E. (2d) 758.

<sup>26</sup> Acts 1881, ch. 19, secs. 10, 11. Acts 1885 (Spec. Sess.), ch. 77, sec. 2 (Repealed by Acts 1897, ch. 169, sec. 10). Acts 1897; Burns 63-1303; Baldwin 10705.

<sup>27</sup> Acts 1897; Burns 63-1309; Baldwin 10709.

<sup>28</sup> Acts 1901; Burns 63-1316; Baldwin 10716.

<sup>29</sup> Acts 1927; Burns 63-1312; Baldwin 10713.

<sup>30</sup> Acts 1899, ch. 211, secs. 5, 7-11. Acts 1913, 1931, 1935; Burns, 1939 suppl., 63-504; Baldwin, 1935 suppl., 5589. Acts 1913, 1931; Burns 63-506, 63-507; Baldwin 5591, 5592.

<sup>31</sup> Acts 1907; Burns 63-1009; Baldwin 13180. Acts 1907, 1935; Burns, 1939 suppl., 63-1010, 63-1011; Baldwin 1935 suppl., 13181, 13182.

<sup>32</sup> Acts 1901, ch. 203, sec. 13. Acts 1907, ch. 216, sec. 9. Acts 1911, ch. 236, secs. 1, 2.

poultry dealers,<sup>33</sup> junk dealers,<sup>34</sup> and for carrying pistols.<sup>35</sup> Formerly he issued licenses for veterinarians,<sup>36</sup> brokers,<sup>37</sup> stallions,<sup>38</sup> petty money lenders,<sup>39</sup> and sale of liquor.<sup>40</sup>

The clerk registers certificates of trained nurses.<sup>41</sup> He records timber brands,<sup>42</sup> assumed business names,<sup>43</sup> trade marks and trade names used on bottles and other containers,<sup>44</sup> and certificates of patents granted by the United States Patent Office.<sup>45</sup> Formerly he kept a negro register,<sup>46</sup> a register of certificates of agents of foreign insurance companies,<sup>47</sup> a roll of the attorneys of the county,<sup>48</sup> and lists of share-

Acts 1927, 1933; Burns 11-302, 11-310; Baldwin 8302, 8309. Acts 1937; Burns, 1939 suppl., 11-1403; Baldwin, 1937 suppl., 8229-3.

The cited sections of the acts of 1901, 1911, 1927, and 1933 were repealed by Acts 1937, ch. 21, sec. 161.

No fee for fishing licenses issued to resident females. *Opinions of the Attorney General of Indiana, 1939*, p. 160.

<sup>33</sup> Acts 1917, 1929, 1932 (Spec. Sess.); Burns 42-802; Baldwin 10486.

<sup>34</sup> Acts 1905; Burns 42-703; Baldwin 10462.

<sup>35</sup> The law authorizes the judge of the circuit court to issue these licenses and does not mention the clerk. In issuing a license the clerk acts for the judge after the judge has approved a written application therefor. One copy of the license must be mailed to the superintendent of state police and another copy must be preserved for 6 years "by the authority issuing said license." The term of the license cannot exceed 1 year. Acts 1935, 1937; Burns, 1939 suppl., 10-4738; Baldwin, 1937 suppl., 2569-5.

Former laws (repealed in 1935) authorized the clerk to issue such licenses. Acts 1925, ch. 207, sec. 7. Acts 1929, ch. 98, sec. 1. Acts 1935, ch. 63, sec. 21.

<sup>36</sup> Acts 1901, ch. 189, sec. 7 (repealed by Acts 1905, ch. 98, sec. 17).

<sup>37</sup> Acts 1840-41 (general), ch. 5, sec. 18.

<sup>38</sup> Acts 1889, ch. 116, sec. 1 (superseded by Acts 1913, ch. 28, creating the stallion enrollment board).

<sup>39</sup> Acts 1913, ch. 167, secs. 1-4 (repealed by Acts 1917, ch. 125, sec. 6).

<sup>40</sup> Acts 1917, ch. 4, secs. 6, 12.

<sup>41</sup> Acts 1905, 1913, 1931; Burns 63-903; Baldwin 13036.

<sup>42</sup> Acts 1901; Burns 51-338; Baldwin 13265.

<sup>43</sup> Acts 1909; Burns 50-201, 50-202; Baldwin 13210, 13211.

<sup>44</sup> Acts 1897, ch. 192, sec. 1. Acts 1917, 1931; Burns 66-101; Baldwin 16179.

<sup>45</sup> Acts 1869 (Spec. Sess.) 1899; Burns 51-401; Baldwin 2772.

<sup>46</sup> 1 Rev. Stat. 1852, ch. 74, sec. 3 (repealed by Acts 1867, ch. 128, sec. 1).

<sup>47</sup> Acts 1865 (Spec. Sess.), ch. 15, sec. 1. Acts 1877, ch. 43, sec. 1. Acts 1899, ch. 245, sec. 1. Acts 1901, ch. 180, sec. 1. Acts 1903, ch. 66, sec. 1. All of these laws were repealed by Acts 1935, ch. 162, sec. 276.

<sup>48</sup> Rev. Stat. 1843, ch. 38, sec. 93.

holders of all banks doing business in the county;<sup>49</sup> and he recorded limited partnerships.<sup>50</sup>

The clerk keeps a register of estrays and articles adrift;<sup>51</sup> records appointments of railroad agents for service of process;<sup>52</sup> records the commissions, oaths, and terminations of authority of railroad policemen;<sup>53</sup> administers oaths;<sup>54</sup> takes acknowledgments of written instruments;<sup>55</sup> and distributes session laws enacted by the general assembly.<sup>56</sup> Formerly the clerk recorded prison bounds;<sup>57</sup> filed public contracts for support of paupers;<sup>58</sup> filed enumerations of soldiers and sailors;<sup>59</sup> kept standards of weights and measures;<sup>60</sup> kept plats showing changes in routes of roads and canals;<sup>61</sup> and performed the duties of the office of school commissioner if there was no school commissioner.<sup>62</sup>

The clerk files petitions and remonstrances concerning the establishment of a county public library; and he notifies the judge of the circuit court, the county superintendent of schools, and the board of commissioners of the filing of such petition and any tax levy made for such library.<sup>63</sup>

All funds received by the clerk must be deposited in a depository designated by the board of finance, and may be withdrawn by checks signed by the clerk or his authorized

<sup>49</sup> 1 Rev. Stat. 1852, ch. 10, sec. 30.

<sup>50</sup> Rev. Stat. 1838, ch. 73, secs. 5-7.

<sup>51</sup> Acts 1807, ch. 20, secs. 1-3. Acts 1817-18 (general), ch. 68, secs. 2, 3. Rev. Laws 1824, ch. 39, sec. 2. 1 Rev. Stat. 1852; Burns 51-306, 51-315; Baldwin 13233, 13243.

<sup>52</sup> Acts 1877 (Spec. Sess.); Burns 55-3301 to 55-3303; Baldwin 14329 to 14331.

<sup>53</sup> Acts 1927; Burns 55-3402, 55-3408; Baldwin 14648, 14654.

<sup>54</sup> Acts 1817-18 (general), ch. 29, sec. 2; ch. 42, sec. 3. Acts 1818-19, ch. 17, sec. 1. Rev. Laws 1824, ch. 10, sec. 2; ch. 73, sec. 31. 2 Rev. Stat. 1852; Burns 49-2708; Baldwin 1435.

<sup>55</sup> Acts 1817-18 (general), ch. 28, sec. 12. Rev. Laws 1824, ch. 82, sec. 12. Rev. Laws 1831, ch. 41, sec. 10. 1 Rev. Stat. 1852, Acts 1859; Burns 56-123; Baldwin 14674.

<sup>56</sup> Acts 1933, 1935; Burns, 1939 suppl., 49-1612, 49-1612a, 49-1614; Baldwin, 1935 suppl., 14956, 14956-1, 14958. Acts 1897; Burns 49-1613; Baldwin 14957.

<sup>57</sup> Acts 1817-18 (general), ch. 32, sec. 1. Rev. Laws 1824, ch. 77, sec. 1. Rev. Laws 1831, ch. 75, sec. 1.

<sup>58</sup> Rev. Laws 1824, ch. 72, sec. 3. Rev. Laws 1831, ch. 69, sec. 2.

<sup>59</sup> Acts 1835 (Spec. Sess.), ch. 97, secs. 1, 3 (both repealed by Acts 1895, ch. 100, sec. 1). Acts 1913, ch. 46, secs. 1, 2 (both repealed by Acts 1923, ch. 4, sec. 1).

<sup>60</sup> Acts 1817-18 (general), ch. 67, secs. 1, 2. Rev. Laws 1824, ch. 116. Rev. Laws 1831, ch. 110.

<sup>61</sup> Rev. Stat. 1838, ch. 17, sec. 56.

<sup>62</sup> Acts 1836-37 (general), ch. 21, sec. 1.

<sup>63</sup> Acts 1917, 1921, 1927, 1939; Burns, 1939 suppl., 41-510; Baldwin, 1939 suppl., 10321.



deputy.<sup>64</sup> He reports to the county auditor and treasurer all fees and fines collected by him.<sup>65</sup> All moneys remaining in the office of the clerk for 10 years without being demanded by the parties entitled thereto are paid to the attorney general.<sup>66</sup>

The clerk keeps the official records of the circuit court,<sup>67</sup> a cashbook,<sup>68</sup> a daily balance record,<sup>69</sup> and a register of fees received by him;<sup>70</sup> and must preserve in his office all records and writings appertaining to his official duties.<sup>71</sup> On request and payment of a fee therefor, the clerk furnishes certified copies of records and papers on file in his office.<sup>72</sup>

The state board of accounts (created in 1909) has prescribed forms for the following books to be used by the clerk: Cashbook of receipts and disbursements; daily balance record; register of fees and funds held in trust; record of poultry dealers' licenses and applications therefor. Forms of printed blanks have also been prescribed.<sup>73</sup>

Other functions, duties, and records of the clerk are discussed in the essays entitled "Board of Primary Election Commissioners," "Circuit Court," "County Board of Canvassers," "County Board of Election Commissioners," "County School Fund Board," and "Registration Officer." Former functions, duties, and records of the clerk which were transferred to the auditor in 1841 are discussed in the essay entitled "Auditor."

<sup>64</sup> Acts 1937; Burns, 1939 suppl., 61-673, 61-674; Baldwin, 1937 suppl., 1438-1, 1438-2.

<sup>65</sup> Acts 1816-17, ch. 17, sec. 6; ch. 27, sec. 1. Acts 1817-18 (general), ch. 44, sec. 6; ch. 72, secs. 2, 3; ch. 79, sec. 1. Acts 1829-29, ch. 24, secs. 1, 2. Rev. Laws 1831, ch. 15, sec. 15. Acts 1841-42 (general), ch. 45, sec. 3. Rev. Stat. 1843, ch. 13, sec. 80; ch. 38, sec. 64. Acts 1871, ch. 17, secs. 20, 27. Acts 1891, ch. 194, sec. 125. Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577. 2 Rev. Stat. 1852, Acts 1891; Burns 49-2710; Baldwin 1437.

<sup>66</sup> Acts 1923; Burns 49-2717, 49-2718; Baldwin 15177, 15178.

<sup>67</sup> 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

<sup>68</sup> Acts 1871, ch. 17, sec. 19. Acts 1879 (Spec. Sess.); Burns 49-2722; Baldwin 1442.

<sup>69</sup> Acts 1937; Burns, 1939 suppl., 61-623; Baldwin, 1937 suppl., 13844-44.

<sup>70</sup> Acts 1871, ch. 17, sec. 19. Acts 1909, ch. 10, sec. 1. Acts 1927; Burns 49-1301; Baldwin 7561. Acts 1879 (Spec. Sess.); Burns 49-2723; Baldwin 1443.

Probate fee book. Acts 1881 (Spec. Sess.), 1883; Burns 6-2205; Baldwin 3014.

<sup>71</sup> Acts 1817-18 (general), ch. 13, sec. 2; ch. 66, sec. 4. Rev. Laws 1824, ch. 10, sec. 1. Acts 1829-30, ch. 10, sec. 1. Rev. Laws 1831, ch. 15, sec. 1. Rev. Stat. 1843, ch. 38, sec. 50. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

<sup>72</sup> Acts 1817-18 (general), ch. 13, sec. 18. 1 Rev. Stat. 1852; Burns 44-303; Baldwin 5634. 2 Rev. Stat. 1852; Burns 49-2707; Baldwin 1434.

<sup>73</sup> Acts 1909; Burns 60-202; Baldwin 13855. Interview of May 18, 1939 with E. P. Brennan, state examiner.

## OFFICIAL BONDS

(See also entries 310-314)

25. OFFICIAL BOND INDEX RECORD, 1872-96, 1909-30. 3 vols.  
(two vols. not labeled, 1).

Index to Miscellaneous Bond Record, entry 26; Record of Notaries' Bonds, entry 27; Justices' and Constables' Bonds, entry 28, showing date, amount and nature of bond, names of official and sureties, and volume and page reference to recording. Arr. chron. by dates of bonds. Hdw. 550 pp. 18 x 12 x 3. Clk. rec. rm.

26. MISCELLANEOUS BOND RECORD, 1866-. 3 vols. (one vol. not labeled, 2, 3). Title varies: Miscellaneous Record, 1866-1927, 2 vols.

Record of bonds posted by county officials, including prosecuting attorney, sheriff, coroner, treasurer, auditor, recorder, and surveyor, and director of county department of public welfare, showing date, amount and conditions of bond, and names of official and sureties. Also contains: Record of Notaries' Bonds, 1866-Sept. 8, 1879, entry 27; Appeal Bond Record, 1928-, entry 192. Arr. chron. by dates of bonds. Indexed alph. by names of officials; for separate index, 1872-96, 1909-30, see entry 25. Hdw. 592 pp. 18 x 12 x 3. 2 vols. 1866-94, 1928-, clk. rec. rm.; 1 vol., 1895-1927, bsmt. stor. rm.

27. RECORD OF NOTARIES' BONDS, Sept. 9, 1879-. 4 vols. (1-4). 1866-Sept. 8, 1879 in Miscellaneous Bond Record, entry 26.

Record of bonds posted by notaries public, showing date, amount and conditions of bond, names of notary and sureties, and dates of appointment and expiration of commission. Arr. chron. by dates of bonds. Indexed alph. by names of notaries; for separate index, 1872-96, 1909-30, see entry 25. Hdw. 472 pp. 19 x 12 x 3. 3 vols., Sept. 9, 1879-Jan. 1935, bsmt. stor. rm.; 1 vol., Feb. 1935-, clk. rec. rm.

28. JUSTICES' AND CONSTABLES' BONDS, June 4, 1863-. 2 vols.

Record of bonds posted by justices of the peace and constables, showing date, amount, term and conditions of bond, and names of official and sureties. Arr. chron. by dates of bonds. Indexed alph. by names of sureties; for separate index, 1872-96, 1909-30, see entry 25. Hdw. 500 pp. 18 x 12 x 3. Clk. rec. rm.

## 29. MISCELLANEOUS BONDS AND PAPERS, 1914-. 2 f. b.

Instruments filed in clerk's office, including:

- i. Bonds of county officials, justices of the peace, constables and notaries public, showing same information as in entry 26.
- ii. Poultry license applications, 1920-, showing dates of application and filing, name and business address of dealer, and amount of fee.  
For record of poultry dealers' licenses, see entry 42.
- iii. Power of attorney authorizations, showing dates of authorization, filing and expiration, names and addresses of principals and agent, and powers granted.

For other power of attorney records, see entry 86vi.

- iv. Deputy sheriff appointments, showing date of appointment and name of deputy.

Also contains: [Miscellaneous Court Documents], 1933-, entry 191. Arr. by types of documents, thereunder chron. by dates of documents. No index. Hdw. and typed. 10 x 4 x 15. Clk. rec. rm.

## LICENSES AND CERTIFICATES

MARRIAGE (see also entry 361)

## 30. MARRIAGE RECORD, 1818-. 27 vols. (1-27).

Record of marriage documents, including:

- i. Applications for marriage licenses, 1905-, showing date of application, names, addresses, color, dates and places of birth and family history of bride and groom, and names and addresses of parents.
- ii. Licenses, showing date of license, and names of bride and groom.
- iii. Certificates of return, showing date of marriage, names of bride, groom and person officiating.

Also contains: Marriage Affidavits, 1908-, entry 33. Arr. chron. by dates of licenses. For index, 1818-52, see entry 31; 1853-, indexed alph. by names of brides and grooms. Hdw. 600 pp. 18 x 12 x 2. Clk. rec. rm.

## 31. INDEX TO MARRIAGE RECORDS A-B, 1818-52. 1 vol.

Index to volumes 1 and 2 of Marriage Record, entry 30, showing date of marriage, names of bride and groom and volume

and page reference to recording. Arr. alph. by names of grooms. No index. Hdw. 300 pp. 14 x 10 x 1½. Clk. rec. rm.

32. MARRIAGE APPLICATIONS, 1924-. 2 f. b.

Applications for marriage licenses, showing same information as in entry 30i. Arr. chron. by dates of applications. No index. Hdw. 10 x 4 x 15. Clk. rec. rm.

33. MARRIAGE AFFIDAVITS, 1871-1907. 6 vols. 1908- in Marriage Record, entry 30.

Record of affidavits relative to validity of statements by applicants for marriage licenses, showing date of affidavit, names of applicants, and name and address of affiant. Arr. chron. by dates of affidavits. Indexed alph. by names of applicants. Hdw. 350 pp. 16 x 11 x 1½. Clk. rec. rm.

PROFESSIONAL

34. RECORD OF PHYSICIAN'S LICENSE, 1885-. 3 vols. (1, 2, and one vol. not labeled).

Record of licenses issued to physicians to practice in county upon presentation of certificate issued by state board of medical registration and examination, showing dates of certificate, application and license, name, age and residence of physician, name of school attended, and date of graduation. Arr. chron. by dates of licenses. Indexed alph. by names of physicians. Hdw. 300 pp. 17 x 12 x 2. Clk. rec. rm.

For physicians' certificates, see entry 37i.

35. RECORD OF DENTIST LICENSES, 1899-. 1 vol. (1).

Record of licenses issued to practice dentistry in county upon presentation of certificates issued by state board of dental examiners, showing dates of certificate, application and license, certificate number, name, age, birthplace and address of dentist, name of college attended, and date of graduation. Arr. chron. by dates of licenses. Indexed alph. by names of dentists. Hdw. 112 pp. 11 x 16 x 1½. Clk. rec. rm.

For dentists' certificates, see entry 37ii.

36. OPTOMETRY RECORD, 1907-. 1 vol. (1).

Record of licenses issued to practice optometry in county, showing dates of certificate, application and license, certificate number, name, age, address and birthplace of optometrist, and date license expires. Arr. chron. by dates of licenses. Indexed alph. by names of optometrists. Hdw. 140 pp. 9 x 12 x ½. Clk. rec. rm.

For optometry certificates, see entry 37iii.



37. DENTISTS', PHYSICIANS', NURSES', OPTOMETRISTS', [Certificates], 1911-. 1 f. b.

Original certificates issued, including:

- i. Physicians' certificates, showing same information as in entry 34.
- ii. Dentists' certificates, showing same information as in entry 35.
- iii. Optometrists' certificates, showing same information as in entry 36.
- iv. Nurses' certificates, 1913-, showing date and number of certificate, name, age and address of nurse, name of school or hospital attended, and date of graduation.

For register of trained nurses, see entry 38.

Arr. chron. by dates of filing. No index. Hdw. 10 x 4 x 15. Clk. rec. rm.

38. REGISTER OF TRAINED NURSES, 1913-. 1 vol. (1).

Register of trained nurses practicing in county, showing dates of registration and certificate, certificate number, and name and address of nurse. Arr. chron. by dates of registrations. Indexed alph. by names of nurses. Hdw. 200 pp. 14 x 8 x 1. Clk. rec. rm.

For nurses' certificates, see entry 37iv.

#### COMMERCIAL

39. REGISTER OF FIRMS AND PARTNERSHIPS, 1910-. 1 vol.

Transcripts of certificates filed by persons engaged in business under names other than their own, showing dates of certificate and filing, names of firm or partnership and members, nature and location of business, and address of members. Arr. chron. by dates of filing. Indexed alph. by names of firms or partnerships. Hdw. 100 pp. 14 x 9 x 1. Clk. rec. rm.

For certificates of firms and partnerships, see entry 40.

40. CERTIFICATE OF FIRMS AND PARTNERSHIPS, 1915-. 1 f. b.

Copies of certificates filed by persons engaged in business under names other than their own, showing same information as in entry 39. Arr. chron. by dates of filing. No index. Hdw. 10 x 4 x 15. Clk. rec. rm.

41. RECORD OF JUNK DEALER'S LICENSE, 1905-. 1 vol.

Record of applications and licenses issued to purchase junk in county, showing dates of application and license, name and address of dealer, location of business, and duration of license. Arr. chron. by dates of licenses. Indexed alph. by names of dealers. Hdw. 180 pp. 14 x 9 x 1½. Clk. rec. rm.

## 42. POULTRY DEALER'S LICENSE RECORD, 1926-. 2 vols.

Record of applications and licenses issued to purchase poultry, showing dates of application and license, name of dealer, location of business, amount of fee, and duration of license. Arr. chron. by dates of licenses. Indexed alph. by names of dealers. Hdw. 292 pp. 14 x 9 x 1½. Clk. rec. rm.

For applications for poultry dealers' licenses, see entry 29ii.

## 43. REGISTER OF INSURANCE CERTIFICATES, 1896-1920. 3 vols. (2-4). Discontinued. Agent's license as now issued is valid in all counties.

Record of certificates issued by auditor of state to agents of insurance companies authorizing them to transact business in county, showing dates of certificate, filing and expiration, names and addresses of agent and company, and assets and liabilities of company. Arr. chron. by dates of filing. Indexed alph. by names of companies. Hdw. 200 pp. 16 x 11 x 1½. Clk. rec. rm.

## 44. IMPROVED STOCK LICENSE RECORD, 1890-1913. 1 vol. Transferred to stallion enrollment board, 1914.

Record of applications and licenses issued to stallion owners, showing dates of application and license, name and address of owner, and age, description and pedigree of stallion. Arr. chron. by dates of licenses. Indexed alph. by names of owners. Hdw. 500 pp. 18 x 12 x 3. Clk. rec. rm.

## 45. PATENT RIGHT RECORD, 1869-98. 1 vol.

Record of certificates of patent granted by U. S. Patent Office, showing dates of certificate and recording, name and address of patentee, and number, nature, description and illustration of patent. Arr. chron. by dates of recording. Indexed alph. by names of patentees. Hdw. 438 pp. 15 x 11 x 2. Clk. rec. rm.

## FIREARMS

## 46. PERMIT TO CARRY FIREARMS-PERMIT TO CARRY CONCEALED REVOLVER, 1925-. 7 vols.

Carbon copies of permits to carry firearms, showing dates of application and permit, calibre and serial number of firearm, name, age and description of licensee, and reason for permit. Arr. chron. by dates of permits. Indexed alph. by names of licensees. Hdw. 100 pp. 11 x 9 x ¾. 6 vols., 1925-35, clk. rec. rm.; 1 vol., 1936-, clk. off.

For applications for firearm permits, see entry 47i.

## 47. SALES OF FIREARMS, 1935-. 1 f. b.

Original instruments pertaining to carrying and selling of firearms, including:

- i. Application for permits to carry firearms, showing same information as in entry 46. Arr. chron. by dates of filing.
- ii. Dealers' reports of sale of revolvers, showing dates of sale and report, report number, name and business address of dealer, name, age, birthplace and residence of purchaser, and serial number, calibre and make of revolver. Arr. num. by report nos.

No index. Hdw. 10 x 4 x 15. Clk. rec. rm.

## MISCELLANEOUS

## 48. SOLDIERS AND SAILORS OF MONROE COUNTY, WORLD WAR, SPANISH AM[erican] WAR, 1912-. 1 f. b.

Lists of soldiers and sailors of Spanish-American and World wars who have obtained free hunting, fishing and trapping permits, showing dates of registration, enlistment and discharge, date and nature of permit, and name, age, service record and physical description of veteran. Arr. chron. by dates of registrations. No index. Hdw. 10 x 4 x 15. Clk. rec. rm.

For other military records, see entries 15, 87.

## 49. STRAY BOOK, 1847-97. 1 vol.

Record of notices of finding and taking up strayed animals, showing dates of finding, notice and filing, description and valuation of animal, cost of keeping animal, and sheriff's return. Arr. chron. by dates of findings. Indexed alph. by names of finders. Hdw. 160 pp. 14 x 8 x 2. Bsmt. stor. rm.

## RECEIPTS AND DISBURSEMENTS

## 50. CLERK'S DAILY BALANCE &amp; CASH STATEMENT, 1913-. 12 vols. (1-12).

Record of clerk's daily balance of cash receipts and disbursements, showing date of balance, date, nature and amount of receipt and disbursement, name of depository, amounts of deposit and cash on hand, total receipts, disbursements and deposits, amounts of balance at beginning and close of day, and amount due county. Arr. chron. by dates of balances. No index. Hdw. 500 pp. 16 x 12 x 3. 11 vols., 1913-Feb. 13, 1937, bsmt. stor. rm.; 1 vol., Feb. 14, 1937-, clk. off.

51. CASH BOOK RECEIPTS AND DISBURSEMENTS, 1875-Sept. 1911, Apr. 1924-. 10 vols. (four vols. not labeled, 4-9). Title varies: Cash Book, Clerk, 1875-Sept. 1911, 4 vols.

Record of receipts and disbursements, showing dates, nature and amounts of receipt and disbursement, receipt or warrant number, names of payer, payee and fund, and total receipts and disbursements. This is a combination of two records intercurrently kept separately: Cash Book of receipts, entry 52; Cash Book of Disbursements, entry 53. Also contains: Clerk's Record of Fines and Forfeitures Collected, entry 55. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 696 pp. 19 x 13 x 3. 4 vols., 1875-Sept. 1889, Mar. 1935-, clk. rec. rm.; 6 vols., Oct. 1889-Sept. 1911, Apr. 1924-Feb. 1935, bsmt. stor. rm.

52. CASH BOOK OF RECEIPTS, Oct. 1911-Mar. 1924. 3 vols. (one vol. not labeled, 1, 3). 1875-Sept. 1911, Apr. 1924- in Cash Book Receipts and Disbursements, entry 51.

Daily record of all cash received, showing date, nature and amount of receipt, names of payer and fund, and receipt number. Arr. chron. by dates of receipts. No index. Hdw. 400 pp. 16 x 12 x 2. Bsmt. stor. rm.

53. CASH BOOK OF DISBURSEMENTS, Oct. 1911-Mar. 1924. 2 vols. (2, 2). Mis-titled: Cash Book, Receipts, Oct 1911-1919, 1 vol. 1875-Sept. 1911, Apr. 1924- in Cash Book Receipts and Disbursements, entry 51.

Daily record of disbursements, showing date, number, nature and amount of disbursement, names of payee, fund and depository, check number, and total disbursements. Arr. chron. by dates of disbursements. No index. Hdw. 396 pp. 16 x 12 x 2. Clk. rec. rm.

54. REGISTER OF FEES AND FUNDS HELD IN TRUST, 1887-. 5 vols. (two vols. not labeled, 1-3). Title varies: Register of Fees, 1887-1912, 2 vols.

Register of fees and funds held in trust until demanded, showing dates, nature and amounts of fees and funds received and disbursed, nature and number of cause, and names of plaintiff, defendant, payer, payee and fund. Also contains: Witness Fee Book, Feb. 9, 1928-, entry 56. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 638 pp. 18 x 12 x 3. 4 vols., 1887-1932, clk. rec. rm.; 1 vol., 1933-, clk. off.



55. CLERK'S RECORDS OF FINES AND FORFEITURES COLLECTED, 1910-23. 1 vol. (1). 1924- in Cash Book of Receipts and Disbursements, entry 51.

Record of fines and forfeitures collected in court causes, showing date, amount and nature of collection, name of payer, cause number, and date and amount of payment to county treasurer. Arr. chron. by dates of collections. No index. Hdw. 244 pp. 18 x 12 x 1½. Bsmt. stor. rm.

56. WITNESS FEE BOOK, 1874-Feb. 8, 1928. 5 vols. Feb. 9, 1928- in Register of Fees and Funds Held in Trust, entry 54.

Record of witness fees, showing cause number, names of plaintiff, defendant and witnesses, number of days served, miles traveled, and amount of fee. Arr. num. by cause nos. No index. Hdw. 350 pp. 16 x 11 x 2. 3 vols., 1874-88, 1895-June 1907, bsmt. stor. rm.; 2 vols., 1889-94, July 1907-Feb. 8, 1928, clk. rec. rm.

#### IV. RECORDER

##### LEGAL STATUS

The office of recorder exists under the mandatory provisions of the Constitution of 1851, and has existed in Monroe County since its organization in 1818. The recorder is elected for a 4-year term by the voters of the county.<sup>1</sup> He is commissioned by the Governor of Indiana<sup>2</sup> and holds office until his successor is elected and qualified.<sup>3</sup> No person is eligible to the office for more than 8 years in any 12-year period.<sup>4</sup> The recorder must be an elector of the county at the time of his election, must have been an inhabitant thereof throughout the preceding year,<sup>5</sup> must reside within the county after his election, must not hold any other lucrative office,<sup>6</sup> and must

<sup>1</sup> Const. 1816, art. 11, sec. 10. Const. 1851, art. 6, sec. 2. Acts 1816-17, ch. 19, sec. 1. Acts 1817-18 (special), ch. 6, sec. 1. Rev. Stat. 1838, ch. 85, sec. 1. Rev. Stat. 1843, ch. 4, secs. 2, 8; ch. 5, sec. 1; ch. 8, sec. 1. 1 Rev. Stat. 1852, Acts 1901; Burns 49-3201; Baldwin 5469.

<sup>2</sup> Const. 1816, art. 11, sec. 9. Const. 1851, art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

<sup>3</sup> Const. 1851, art. 15, sec. 3.

<sup>4</sup> *Ibid.*, art. 2, sec. 11; art. 6, sec. 2. Carson v. McPhetridge (1860), 15 Ind. 327.

<sup>5</sup> Const. 1816, art. 11, sec. 14. Const. 1851, art. 6, sec. 4.

<sup>6</sup> Const. 1816, art. 11, secs. 6, 13. Const. 1851, art. 2, sec. 9; art. 6, sec. 6.

not practice law.<sup>7</sup> He must post bond in the amount of \$4,000, to be approved by the board of commissioners and filed with the clerk of the circuit court.<sup>8</sup> The recorder must take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.<sup>9</sup> Under the Constitution of 1816 (which created the office in every county then or thereafter organized), the recorder was elected for a 7-year term and could hold the office of clerk of the circuit court.<sup>10</sup>

The recorder receives a regular salary of \$1,520 per year.<sup>11</sup> He is permitted to retain, as compensation for himself, in addition to his regular salary, 20 percent of the fees collected by him, provided the total amount of fees so retained be not more than \$4,480.<sup>12</sup>

For sufficient legal grounds the recorder may be removed from office by the circuit court after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.<sup>13</sup> If the recorder is convicted of a felony the judgment of conviction must declare his office vacant.<sup>14</sup>

Any vacancy in the office of recorder is filled through appointment by the board of commissioners. At the next biennial general election (held on the 1st Tuesday after the 1st Monday in November in the even-numbered years), a recorder is elected for the remainder of the term in which the vacancy

<sup>7</sup> Acts 1865, ch. 42 (misnumbered 62), sec. 2. Acts 1881 (Spec. Sess.), ch. 37, sec. 115. Acts 1905; Burns 10-3102; Baldwin 2636. *McCracken v. State* (1867), 27 Ind. 491.

<sup>8</sup> Rev. Laws 1831, ch. 77, secs. 2, 3. Rev. Stat. 1838, ch. 85, secs. 2, 3. Rev. Stat. 1843, ch. 4, secs. 86, 90; ch. 8, secs. 2, 3. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068. Acts 1851-52; Burns 49-123; Baldwin 13093. 1 Rev. Stat. 1852, Acts 1901; Burns 49-3201; Baldwin 5469. *State ex rel. Lowry v. Davis* (1884), 96 Ind. 539; *State ex rel. Lowry v. Davis* (1889), 117 Ind. 307, 20 N. E. 159.

<sup>9</sup> Const. 1816, art. 11, sec. 6. Const. 1851, art. 15, sec. 4. Rev. Stat. 1843, ch. 4, secs. 77, 78, 81-84, 92; ch. 8, sec. 4. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

<sup>10</sup> Const. 1816, art. 11, sec. 10. Rev. Stat. 1843, ch. 4, sec. 62.

<sup>11</sup> Acts 1933; Burns 49-1004; Baldwin 7534.

<sup>12</sup> Acts 1933; Burns 49-1001, 49-1005, 49-1009; Baldwin 7531, 7535, 7539. Acts 1933, 1937; Burns, 1939 suppl., 49-1009; Baldwin, 1937 suppl., 7539. *Shilling v. State ex rel. Board of County Comrs.* (1901), 153 Ind. 185, 62 N. E. 49.

<sup>13</sup> Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

<sup>14</sup> Acts 1897, 1899; Burns 49-834; Baldwin 13050.

occurred. The person appointed or elected to fill a vacancy, must take an oath and post bond, as was required of his predecessor, and holds office until his successor is elected and qualified.<sup>15</sup>

The recorder may appoint deputies and assistants under authority from the board of commissioners. One deputy may be appointed without such authorization. The county council fixes the salaries of the deputies and assistants, which must be not less than \$75 nor more than \$200 per month.<sup>16</sup> The recorder may require any deputy to give bond.<sup>17</sup> The deputies must take the oath required of the recorder, may perform all of the official duties of the recorder, and are subject to the same regulations and penalties.<sup>18</sup> The recorder may remove such deputies and assistants at any time, and is responsible for their official acts.<sup>19</sup>

#### FUNCTIONS AND RECORDS

In specific books and files (other than the miscellaneous record) the recorder records the following documents: Deeds;<sup>20</sup>

<sup>15</sup> Const. 1851, art. 6, sec. 9. Rev. Laws 1824, ch. 36, sec. 1. Rev. Stat. 1838, ch. 85, sec. 14. Rev. Stat. 1843, ch. 4, sec. 155; ch. 8, sec. 16. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081. 1 Rev. Stat. 1852; Burns 49-405, 49-408, 49-409; Baldwin 13104, 13106, 13107. Hedley v. Board of County Comrs. (1835), 4 Blackf. 131; Douglass v. State *ex rel.* Wright (1869), 31 Ind. 429. State *ex rel.* Ault v. Long (1883), 91 Ind. 351. *Opinions of the Attorney General of Indiana, 1936*, p. 9. Interview of July 11, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

<sup>16</sup> Rev. Stat. 1838, ch. 85, sec. 11. Rev. Stat. 1843, ch. 8, sec. 13. 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532. *Opinions of the Attorney General of Indiana, 1934*, p. 256; 1937, p. 324.

<sup>17</sup> 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108.

<sup>18</sup> 1 Rev. Stat. 1852; Burns 49-502; Baldwin 13109.

<sup>19</sup> Rev. Stat. 1838, ch. 85, sec. 11. Rev. Stat. 1843, ch. 8, sec. 13. 1 Rev. Stat. 1852; Burns 49-503; Baldwin 13110. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532.

<sup>20</sup> Acts 1807, ch. 18, sec. 1, 8, 9. Acts 1817-18 (general), ch. 28, secs. 1, 10. Acts 1819-20, ch. 65, sec. 2. Rev. Laws 1831, ch. 41, sec. 7; ch. 77, secs. 1, 4. Acts 1836-37 (general), ch. 9, secs. 9-16. Rev. Stat. 1838, ch. 44, sec. 7; ch. 85, secs. 1, 4. Rev. Stat. 1843, ch. 8, secs. 5, 9; ch. 28, secs. 24, 25, 46. 1 Rev. Stat. 1852; Burns 49-3210, 56-118, 56-131; Baldwin 5475, 14664, 14665. 1 Rev. Stat. 1852, Acts 1875, 1913, 1921, 1923; Burns 56-119; Baldwin 14671. Lowry v. Smith (1884), 97 Ind. 466.

Cemetery record. Rev. Stat. 1843, ch. 25, secs. 62-65. Acts 1925; Burns 21-223; Baldwin 4648. 1 Rev. Stat. 1852; Burns 25-1521, 25-1522; Baldwin 10600, 10662.

Wabash and Erie Canal deeds. Acts 1881 (Spec. Sess.); Burns 2-1626; Baldwin 267.

Deeds of commissioners appointed by court to make conveyance. Acts 1881 (Spec. Sess.) Burns 3-1008; Baldwin 894.

land patents;<sup>21</sup> mortgages; releases and assignments of mortgages;<sup>22</sup> federal tax lien notices and releases thereof;<sup>23</sup> conditional sales of fixtures;<sup>24</sup> maps and plats;<sup>25</sup> decrees

---

Tax deeds (1843 to date) and tax certificates (1843 to 1881). Rev. Stat. 1843, ch. 12, sec. 159. 1 Rev. Stat. 1852, ch. 6, sec. 197. Acts 1881 (Spec. Sess.), ch. 96, secs. 195, 211. Acts 1919, ch. 59, secs. 263, 284.

Sheriff's deeds. Acts 1881 (Spec. Sess.); Burns 2-4006, 2-4101, 2-4102; Baldwin 629, 619, 620.

Deeds of school lands and deeds connected with school fund loans. Rev. Stat. 1838, ch. 94 (12), sec. 7. Rev. Stat. 1843, ch. 13, secs. 44, 49. Acts 1899; Burns 28-255; Baldwin 6607.

<sup>21</sup> "May be recorded as other deeds and conveyances." Acts 1881; Burns 2-1632; Baldwin 271.

<sup>22</sup> Acts 1807, ch. 13, secs. 1, 4, 8, 9. Acts 1817-18 (general), ch. 28, sec. 1. Acts 1825-26, ch. 42, sec. 17. Rev. Laws 1831, ch. 41, sec. 7; ch. 77, sec. 1. Rev. Stat. 1838, ch. 44, secs. 7, 12; ch. 85, secs. 1, 4, 8, 9. Rev. Stat. 1843, ch. 8, secs. 5, 9; ch. 28, secs. 26, 27, 48; ch. 29, secs. 52, 63, 69-71. Acts 1909, 1917, 1923; Burns 2-617; Baldwin 61-2 (repealed by Acts 1937, ch. 97, sec. 4), Acts 1937; Burns, 1939 suppl., 2-625; Baldwin, 1937 suppl., 61-2c. Acts 1905; Burns 49-3202, 49-3204; Baldwin 5476, 5473. 1 Rev. Stat. 1852; Burns 49-3210; Baldwin 5475. 1 Rev. Stat. 1852, Acts 1875, 1913, 1921, 1923; Burns 56-119; Baldwin 14671. 1 Rev. Stat. 1852; Burns 56-122; Baldwin 14673. 2 Rev. Stat. 1852; Burns 56-705, 56-708; Baldwin 989, 992. Acts 1901; Burns 56-709, 56-710; Baldwin 993, 994. Acts 1925; Burns 56-712, 56-713; Baldwin 10575, 10576. 2 Rev. Stat. 1852, Acts 1877; Burns 56-715; Baldwin 996. Acts 1877; Burns 56-716; Baldwin 998. Acts 1899; Burns 56-717; Baldwin 997. Anderson Bldg. & L. Sav. Assn. v. Thompson (1881), 87 Ind. 273; Mechanics' Bldg. Assn. v. Whitacre (1884), 92 Ind. 547; Chandler v. Scott (1891), 127 Ind. 226, 26 N. E. 797; State *ex rel.* McCoy v. Krost (1894), 140 Ind. 41, 39 N. E. 46.

Chattel mortgages before 1935 (old system). Rev. Stat. 1838, ch. 85 (first act), sec. 1; ch. 85 (second act), sec. 1. 1 Rev. Stat. 1852, Acts 1897; Burns 33-301, 33-302; Baldwin 8373, 8374 (first section repealed by Acts 1935, ch. 147, sec. 20).

Chattel mortgages and chattel mortgage minute book since 1935. Acts 1935; Burns, 1939 suppl., 51-504 to 51-517; Baldwin, 1935 suppl., 13227-4 to 13227-17. Voigt v. Morgenthaler Lynotype Co. (1938), 213 Ind. 325, 12 N. E. (2d) 498; Voigt v. Ludlow Typograph Co. (1938), 213 Ind. 329, 12 N. E. (2d) 499.

School fund loans. Acts 1836-37 (general), ch. 2, sec. 10. Rev. Stat. 1838, ch. 85, sec. 10. Acts 1865; Burns 23-233; Baldwin 6583. Stockwell v. State *ex rel.* Johnson (1885), 101 Ind. 1.

Mortgages held by county agent. Rev. Stat. 1838, ch. 89, sec. 15.

Right to rely on record of mortgage. Vincennes Savings and Loan Assn. v. St. John (1938), 213 Ind. 171, 12 N. E. (2d) 127.

Mortgages were recorded only in the deed record before November 2, 1847.

<sup>23</sup> Acts 1925; Burns 49-3221 to 59-3225; Baldwin 10570 to 10574.

<sup>24</sup> Acts 1935; Burns, 1939 suppl., 58-806, 58-809 to 58-811; Baldwin, 1935 suppl., 14857-5, 14857-8 to 14857-10.

The law requires that a separate record be kept. *Ibid.* These instruments are treated as chattel mortgages by the recorder.

<sup>25</sup> Rev. Laws 1831, ch. 77, sec. 7. Rev. Stat. 1838, ch. 85, sec. 12. Rev. Stat. 1843, ch. 8,



quieting title to lands;<sup>26</sup> old-age assistance awards;<sup>27</sup> discharges from military service;<sup>28</sup> partitions of real estate under judicial proceedings;<sup>29</sup> newspapers published in the county;<sup>30</sup> farm names;<sup>31</sup> marks and brands of animals;<sup>32</sup> statutory liens of materialmen, laborers,<sup>33</sup> transfermen,<sup>34</sup> and owners of stallions;<sup>35</sup> contracts waiving liens of materialmen, laborers, and building contractors;<sup>36</sup> and releases of vendors' liens.<sup>37</sup> Formerly indentures of apprentices<sup>38</sup> and mineral contracts were recorded in specific books.

The recorder keeps a miscellaneous record in which he records the following documents: Surveys establishing a

sec. 14. 1 Rev. Stat. 1852, ch. 9. Acts 1881 (Spec. Sess.); Burns 6-1127; Baldwin 3168. Acts 1925; Burns 21-219 to 21-221, 21-225, 21-226, 21-228; Baldwin 4644 to 4646, 4650, 4651, 4653. 1 Rev. Stat. 1852; Burns 25-1522; Baldwin 10602. Acts 1905; Burns 48-801, 48-802; Baldwin 12473, 12474. 1 Rev. Stat. 1852; Burns 49-3232; Baldwin 5432.

<sup>26</sup> Acts 1911; Burns 3-1409; Baldwin 963.

The 1911 law requires the recording in a substantially bound book to be known as the "Quiet Title Record," and requires an index for that record. *Ibid.*

<sup>27</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1267; Baldwin, 1937 suppl., 14078-38.

<sup>28</sup> Acts 1925; Burns 59-1002 to 59-1004; Baldwin 11002 to 11004.

The law requires the recording in a separate book and requires an index thereto. *Ibid.*

<sup>29</sup> Acts 1859, ch. 103. Acts 1907, ch. 80. Acts 1919; Burns 64-518; Baldwin 15555.

Partitions are recorded in the deed record.

<sup>30</sup> 1 Rev. Stat. 1852; Burns 26-626 to 26-628; Baldwin 5285 to 5287.

<sup>31</sup> Acts 1913; Burns 49-3226 to 49-3230; Baldwin 5488 to 5492.

<sup>32</sup> Acts 1835-36 (general), ch. 24, sec. 1. Rev. Stat. 1838, ch. 85, sec. 6. Rev. Stat. 1843,

ch. 8, secs. 11, 12. 1 Rev. Stat. 1852; Burns 49-3231; Baldwin 5474.

<sup>33</sup> Rev. Stat. 1838, ch. 69, sec. 7. Rev. Stat. 1843, ch. 42, sec. 5. 2 Rev. Stat. 1852, pt. 2, ch. 1, sec. 650, p. 182. Acts 1867, ch. 36, sec. 2. Acts 1883, ch. 115, sec. 4. Acts 1909; Burns 43-703, 43-704; Baldwin 10507, 10508. State *ex rel.* Lyons v. Phillips (1901), 157 Ind. 481, 62 N. E. 12.

Corporation employees. Acts 1877 (Spec. Sess.); Burns 43-302; Baldwin 10547.

<sup>34</sup> Acts 1921, 1929; Burns 43-1002, 43-1003; Baldwin 10529, 10530.

<sup>35</sup> Acts 1889, ch. 116, sec. 4. Acts 1913, 1933; Burns 16-910; Baldwin 3793.

<sup>36</sup> Acts 1921, ch. 56, sec. 1.

The law requires the recording by the recorder "in books provided by him for that purpose" and requires an index thereto "in books kept for that purpose." *Ibid.*

<sup>37</sup> Acts 1937; Burns, 1939 suppl., 2-625; Baldwin, 1937 suppl., 61-2c. Acts 1889; Burns 56-144, 56-145; Baldwin 14702, 14703.

<sup>38</sup> Rev. Laws 1831, ch. 69, sec. 7. Rev. Stat. 1838, ch. 4, sec. 2. Rev. Stat. 1843, ch. 35, secs. 138, 139. 1 Rev. Stat. 1852; Burns 49-3210; Baldwin 5475.

The law providing for indenturing of apprentices was repealed in 1939. Acts 1939, ch. 10.

meridian line;<sup>39</sup> surveyor's field notes;<sup>40</sup> leases of lands;<sup>41</sup> powers of attorney;<sup>42</sup> leases of rolling stock and equipment of railroads;<sup>43</sup> fence marks;<sup>44</sup> official bonds of the clerk of the circuit court;<sup>45</sup> charters and proceedings of corporations and associations;<sup>46</sup> limited partnerships;<sup>47</sup> bonds of surviving partners;<sup>48</sup> statutory statements of express companies;<sup>49</sup> certificates revoking the admission of foreign corporations to do business in this state;<sup>50</sup> notices of disputes of easements;<sup>51</sup> probated wills;<sup>52</sup> inheritance tax receipts;<sup>53</sup> and other documents presented for recording (not mentioned in the preceding paragraph) which no law requires to be recorded in a separate or specific book or file.<sup>54</sup> In

---

<sup>39</sup> Acts 1835; Burns 49-3327 to 49-3329; Baldwin 10849 to 10851.

<sup>40</sup> Acts 1828-29, ch. 94, sec. 1. Rev. Laws 1831, ch. 102, sec. 7. Rev. Stat. 1843, ch. 10, secs. 10, 11, 14. 1 Rev. Stat. 1852, Acts 1925; Burns 49-3205; Baldwin 5470. 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

<sup>41</sup> 1 Rev. Stat. 1843, ch. 28, sec. 25. 1 Rev. Stat. 1852; Burns 56-118; Baldwin 14664. 1 Rev. Stat. 1852, Acts 1875, 1913, 1921, 1923; Burns 56-119; Baldwin 14671.

Miscellaneous record specified. Acts 1897; Burns 56-120.

<sup>42</sup> Acts 1881 (Spec. Sess.), 1891; Burns 2-2519; Baldwin 391. Acts 1883; Burns 49-1309, 56-108, 56-109; Baldwin 14733, 14729, 14732. 1 Rev. Stat. 1852; Burns 56-106, 56-107, 56-137; Baldwin 14730, 14731.

<sup>43</sup> Acts 1891; Burns 55-3716 to 55-3718; Baldwin 15449 to 15451.

<sup>44</sup> Acts 1877 (Spec. Sess.); Burns 30-510; Baldwin 7630.

<sup>45</sup> Rev. Laws 1831, ch. 15, sec. 5. Rev. Stat. 1838, ch. 17. Rev. Stat. 1843, ch. 4, sec. 89. 1 Rev. Stat. 1852; Burns 49-106; Baldwin 13066.

<sup>46</sup> Acts 1820-21, ch. 20, sec. 1. Rev. Laws 1824, ch. 64, secs. 1, 7; ch. 87, secs. 7, 9. Acts 1929; Burns 25-219, 25-228, 25-235, 25-241, 25-242, 25-305, 25-309, 25-311; Baldwin 4919, 4928, 493E, 4941, 4942, 4963, 4967, 4969. Acts 1883; Burns 25-2002; Baldwin 10681. Acts 1909; Burns 25-3602; Baldwin 9280-2.

<sup>47</sup> Such documents are required to be recorded "in a book to be kept for that purpose." Rev. Stat. 1843, ch. 32, sec. 4. Acts 1859; Burns 50-104, 50-106, 50-112; Baldwin 13195, 13197, 13209.

<sup>48</sup> Acts 1877; Burns 50-304; Baldwin 13216.

<sup>49</sup> Acts 1879 (Spec. Sess.); Burns 55-4102; Baldwin 14401.

<sup>50</sup> Acts 1929; Burns 25-311; Baldwin 4969.

<sup>51</sup> 1 Rev. Stat. 1852; Burns 56-804; Baldwin 14775.

<sup>52</sup> Acts 1891; Burns 7-712; Baldwin 3413.

Wills probated in another county should be recorded in the deed record. Acts 1933; Burns 7-713; Baldwin 3414.

<sup>53</sup> Acts 1913, ch. 47, sec. 21.

This act, which was superseded by Acts 1931, ch. 75, provided that such receipts be recorded in a book labeled "Transfer Tax."

<sup>54</sup> Rev. Laws 1831, ch. 77, sec. 7. Rev. Stat. 1838, ch. 85, sec. 12. Rev. Stat. 1843, ch. 8, sec. 14. 1 Rev. Stat. 1852, Acts 1925; Burns 49-3205; Baldwin 5470. 1 Rev. Stat. 1852; Burns 49-3209; Baldwin 5471.

the miscellaneous record he formerly recorded dentists' certificates of registration (law repealed in 1899),<sup>55</sup> and special assessments against lands benefited by ditches and drains (law repealed in 1933).<sup>56</sup> The miscellaneous record was started in Monroe County on February 22, 1868 and has been kept by the recorders of Monroe County continuously since then. Documents of the kinds recorded in the miscellaneous record after 1868 were previously recorded in the deed record. Recorders in all counties started keeping a miscellaneous record about the same time, though no statute has ever required the keeping of such record. The general assembly has on several occasions required that certain specified documents be recorded in the miscellaneous record, and thus recognized the custom of the recorders in keeping such record.<sup>57</sup>

To entitle any conveyance, mortgage, or other written instrument to be recorded, the execution thereof must be acknowledged or proved in the manner required by law,<sup>58</sup> and the intangible tax thereon (if any) must be paid.<sup>59</sup> No conveyance of land can be recorded by the recorder until after the instrument has been presented to the auditor and he has made an endorsement thereon that the land has been duly entered for taxation or is not taxable.<sup>60</sup>

The recorder keeps an entry book in which he enters, as filed, all instruments delivered to him for recording, noting the day and hour received, which is deemed the time of recording. Official receipts for such instruments are issued.<sup>61</sup>

<sup>55</sup> Acts 1887, ch. 32, sec. 9. Acts 1899, ch. 211, sec. 29.

<sup>56</sup> Acts 1881 (Spec. Sess.), ch. 43, sec. 6. Acts 1885 (Spec. Sess.), ch. 40, sec. 6. Acts 1905, ch. 157, secs. 4, 14. Acts 1907, ch. 252, secs. 6, 21. Acts 1933, ch. 264, sec. 81.

<sup>57</sup> Interview of May 18, 1939 with E. P. Brennan, state examiner.

<sup>58</sup> Acts 1807, ch. 18, secs. 8, 9, 11-13. Acts 1810, ch. 42, sec. 2. Rev. Laws 1831, ch. 41, secs. 7, 11. Rev. Stat. 1838, ch. 44, secs. 7-11. Rev. Stat. 1843, ch. 28, secs. 23-45, 48-51. Acts 1905; Burns 48-501; Baldwin 12473. 1 Rev. Stat. 1852; Burns 49-3212; Baldwin 14666. Acts 1935; Burns, 1939 suppl., 51-507; Baldwin, 1935 suppl., 13227-7. 1 Rev. Stat. 1852, Acts 1859; Burns 56-123 to 56-130, 56-132 to 56-137; Baldwin 14674 to 14676, 14679 to 14683, 14663, 14669, 14638, 14677, 14659, 14733.

The acknowledgment or proof must be recorded with the instrument. *Ibid.*

<sup>59</sup> Acts 1933; Burns 64-929; Baldwin 15927.

<sup>60</sup> Rev. Stat. 1843, ch. 12, secs. 23, 25, 26. Acts 1831 (Spec. Sess.), ch. 96, sec. 154. 1 Rev. Stat. 1852; Burns 49-3214; Baldwin 5473. Acts 1919; Burns 64-1409; Baldwin 15746.

<sup>61</sup> Acts 1807, ch. 18, sec. 10. Acts 1817-18 (general), ch. 28, sec. 10. Rev. Laws 1831, ch. 77, sec. 4. Rev. Stat. 1838, ch. 85, sec. 4. Rev. Stat. 1843, ch. 3, secs. 6-8; ch. 28, sec. 46. Acts 1895; Burns 49-303, Baldwin 5472. 1 Rev. Stat. 1852, Acts 1925; Burns 49-3205; Baldwin 5470.

The recorder charges the fees required by law. He keeps a combined fee book and cashbook, and enters therein, as received, all money received in his office. Quarterly he reports to the auditor the amount of fees collected by him, and pays such fees (except those he is entitled to retain) over to the treasurer.<sup>62</sup> The recorder is required to index the deeds, mortgages, and other instruments recorded by him.<sup>63</sup> Information concerning the documents recorded in his office is reported annually to the state division of accounting and statistics.<sup>64</sup>

Printed blank forms (furnished by the county) of deeds, mortgages, and other instruments may be used by the recorder for recording such instruments (executed on similar printed forms) for any person who presented 500 or more instruments to the recorder for recording during the last preceding year.<sup>65</sup>

The photographic process of recording instruments may be

1 Rev. Stat. 1852; Burns 49-3211; Baldwin 14665. *Hand v. Board of County Comrs.* (1866), 26 Ind. 179; *Holman v. Doran* (1877), 56 Ind. 358; *Gilchrist v. Gough* (1878), 63 Ind. 576; *Moore v. Glover* (1888), 115 Ind. 367, 16 N. E. 163.

<sup>62</sup> Acts 1871, ch. 15, secs. 4, 21, 22, 51. Acts 1883, ch. 78, sec. 3. Acts 1891, ch. 194, secs. 124, 125. Acts 1895; Burns 49-1308, 49-1310; Baldwin 7566, 7567. Acts 1895, 1903, 1913; Burns 49-1401, 49-1402, 49-1408, 49-1410; Baldwin 7576, 7577, 7583, 7585. See footnote 12.

Fee charged when single instrument releases or assigns more than one chattel mortgage.

*Opinions of the Attorney General of Indiana, 1939*, p. 54.

<sup>63</sup> Acts 1825, ch. 44, sec. 1. Rev. Laws 1831, ch. 77, sec. 5. Rev. Stat. 1838, ch. 85, sec. 5. Rev. Stat. 1843, ch. 8, sec. 10. *Garrett v. Board of County Comrs.* (1883), 92 Ind. 518.

Deeds. 1 Rev. Stat. 1852; Burns 49-3209; Baldwin 5471. 1 Rev. Stat. 1852, Acts 1855; Burns 49-3216, 49-3218; Baldwin 5480, 5482. *Turpen v. Board of County Comrs.* (1855), 7 Ind. 172; *State ex rel. Board of County Comrs. v. Atkinson* (1861), 17 Ind. 26.

Mortgages. 1 Rev. Stat. 1852; Burns 49-3209, 49-3217, 49-3218; Baldwin 5471, 5481, 5482. *Gilchrist v. Gough* (1878), 63 Ind. 576; *Reeder v. State ex rel. Harlan* (1884), 98 Ind. 114.

Index to chattel mortgage minute book. Acts 1935; Burns, 1939 suppl., 51-510; Baldwin, 1935 suppl., 13227-10.

Federal tax liens. Acts 1925; Burns 49-3222; Baldwin 10571.

Conditional sales of fixtures. Acts 1935; Burns 1939 suppl., 58-806, 58-809; Baldwin, 1935 suppl., 14857-5, 14857-8.

Quiet title record. Acts 1911; Burns 3-1409; Baldwin 968.

Discharges from military service. Acts 1925; Burns 59-1003; Baldwin 11003.

Contracts waiving liens of laborers, materialmen, and building contractors. Acts 1921, ch. 56, sec. 1.

<sup>64</sup> Acts 1909; Burns 60-202; Baldwin 13855. *Statistical Report for the State of Indiana for the Period ended June 30, 1939* (Indianapolis, 1940), 56-58.

<sup>65</sup> Acts 1875 (Spec. Sees.), 1919; Burns 49-3206; Baldwin 5487.



used by the recorder if adopted by the board of commissioners. Such method has never been used generally by the recorder of Monroe County.<sup>66</sup>

Formerly the county treasurer, auditor, and recorder selected petit jurors for the circuit court and court of common pleas.<sup>67</sup>

Forms for the following books were prescribed for recorders by the state board of accounts: A combined fee book and cash book; register of farm names; chattel mortgage minute book; and abstract of old-age assistance awards. Said board has prescribed forms of blanks for report of fees collected, application for registration of farm names, certificate of registration of farm names, and chattel mortgage receipt.<sup>68</sup>

#### FILING OF INSTRUMENTS FOR RECORDING

57. ENTRY BOOK, 1856-. 20 vols. (1-20).

Record of instruments filed for recording, showing number and kind of instrument, date and time of filing, names of principals, location and description of property, amount of consideration, and volume and page reference to recording. Also contains: Recorder's Fee and Cash Book, 1856-94, entry 92. Arr. num. by instrument nos. No index. Hdw. 323 pp. 18 x 12 x 3. 17 vols., 1856-1928, recr. rec. rm.; 3 vols., 1929-, recr. off.

#### LAND TRANSFERS

##### DEEDS AND TITLES

58. GENERAL INDEX TO DEEDS, 1817-. 56 vols. (1, 2, 1-5, 5-8, 1-4, 4-9, 1A-12A, 1B-12B, 1-11).

General index to Deed Record, entry 59; Sheriff Deed, entry 61; Quit Claim Deed Record, entry 62; Cemetery Deed Record, entry 63; Tax Title Deed Record, entry 64, showing dates of deed and recording, names of grantor and grantee, number and kind of deed, location and description of property, amount of consideration, and volume and page reference to recording. Arr. alph. by names of grantors and grantees. Hdw. 600 pp. 18 x 12 x 3. Recr. rec. rm.

---

<sup>66</sup> Acts 1927; Burns 49-3207; Baldwin 14667.

<sup>67</sup> 2 Rev. Stat. 1852, pt. 1, ch. 9, sec. 1, p. 24. Acts 1853, ch. 59, sec. 1.

These duties were discontinued in 1881. Acts 1881 (Spec. Sess.), 1899, 1913; Burns 4-3301, 4-3304, 4-3306; Baldwin 1266, 1267, 1270.

<sup>68</sup> Acts 1909; Burns 60-202; Baldwin 13855. Interview of May 18, 1939 with E. P. Brennan, state examiner.

59. DEED RECORD, 1817-. 118 vols. (two vols. not labeled, A-Z, 1-90).

Transcripts of deeds for conveyance of titles to real property, showing dates of deed and recording, names of grantor and grantee, location and description of property, and amount of consideration. Also contains: Sheriff Deed, 1817-Apr. 27, 1875, entry 61; Quit Claim Deed Record, 1817-Sept. 29, 1872, entry 62; Cemetery Deed Record, 1817-May 15, 1925, entry 63; Tax Title Deed Record, 1824-Mar. 24, 1864, entry 64; Mortgage Record, 1817-Nov. 2, 1847, entry 72; School Fund Mortgage Record, Feb. 18, 1818-Nov. 2, 1847, entry 73; Chattel Mortgage Record, 1817-Nov. 2, 1847, entry 79; Miscellaneous Records, 1818-Feb. 21, 1868, entry 86. Arr. chron. by dates of recording. Indexed alph. by names of grantors and grantees; for separate index, see entry 58; for separate index to mortgages, see entry 71. 1817-Jan. 21, 1904, hdw.; Jan. 22, 1904-, typed. 500 pp. 18 x 12 x 3. Recr. rec. rm.

60. [ORIGINAL INSTRUMENTS], 1857-. 20 f. b., 20 pigeon holes.

Original instruments left for recording and uncalled for, including:

- i. Warranty deeds, showing same information as in entry 59.
- ii. Guardians' deeds, showing instrument number, date and time of recording, names of grantor and grantee, location and description of property, and amount of consideration.
- iii. Quit claim deeds, showing same information as in entry 62.
- iv. Real estate mortgages, showing same information as in entry 72.
- v. Chattel mortgages, showing same information as in entry 79.
- vi. Mortgage releases, 1892-, showing same information as in entry 80.
- vii. Notices of mechanics' liens, 1892-, showing same information as in entry 82.
- viii. Real estate contracts, showing date of contract and recording, names of owner and purchaser, location and description of property, and amount of consideration.

Arr. chron. by dates of filing. No index. Hdw. and typed. F. B., 10 x 4 x 15; pigeon holes, 5 x 4 x 10. 11 f. b., 1857-1900, recr. rec. rm.; 20 pigeon holes, 9 f. b., 1892-, recr. off.

61. SHERIFF DEED, Apr. 28, 1875-. 5 vols. (1-5). 1817-April 27, 1875 in Deed Record, entry 59.

Transcripts of sheriffs' deeds for conveyance of titles to real property sold on court order to satisfy judgments, showing dates of sale, deed and recording, names of grantor and grantee, location and description of property, and amount of consideration. Arr. chron. by dates of recording. Indexed alph. by names of grantors and grantees; for separate index, see entry 58. 1875-Feb. 11, 1933, hdw.; Feb. 12, 1933-, typed. 550 pp. 18 x 12 x 3. Recr. rec. rm.

62. QUIT CLAIM DEED RECORD, Sept. 30, 1872-. 4 vols. (1-4). 1817-Sept. 29, 1872 in Deed Record, entry 59.

Transcripts of quit claim deeds, showing dates of deed and recording, names of grantor and grantee, location and description of property, and amount of consideration. Arr. chron. by dates of recording. Indexed alph. by names of grantors and grantees; for separate index, see entry 58. Hdw. 500 pp. 18 x 12 x 3. Recr. rec. rm.

63. CEMETERY DEED RECORD, May 16, 1925-. 1 vol. 1817-May 15, 1925 in Deed Record, entry 59.

Transcripts of deeds to cemetery lots, showing dates of deed and recording, names of cemetery, grantor and grantee, location and description of lot, and amount of consideration. Arr. chron. by dates of recording. Indexed alph. by names of grantors and grantees; for separate index, see entry 58. Typed. 590 pp. 18 x 12 x 3. Recr. rec. rm.

64. TAX TITLE DEED RECORD, Mar. 25, 1864-. 6 vols. (1-6). 1824-Mar. 24, 1864 in Deed Record, entry 59.

Transcripts of deeds issued by auditor to purchasers of property sold for nonpayment of taxes, showing dates of sale, certificate of purchase and deed, names of owner and purchaser, date and time of recording, location and description of property, and amount of sale. Arr. chron. by dates of recording. Indexed alph. by names of purchasers; for separate index, see entry 58. 1864-May 7, 1908, Feb. 16, 1923-, hdw.; May 8, 1908-Feb. 15, 1923, typed. 500 pp. 18 x 12 x 3. Recr. rec. rm.

65. QUIET TITLE RECORD, July 19, 1911-. 2 vols. (1, 2).

Transcripts of court decrees rendered in causes quieting titles to real property, showing dates of trial, order and judgment, date and time of recording, names of plaintiff, defendant, attorneys and witnesses, location and description of property, and proceedings, findings and order of court. Arr. chron. by dates of recording. Indexed alph. by names of plaintiffs and defendants; for separate index, see entry 66. 1911-25, hdw.; 1926-, typed. 590 pp. 18 x 12 x 3. Recr. rec. rm.

## 66. INDEX OF QUIET TITLES, 1911-. 1 vol. (1).

Index to Quiet Title Record, entry 65, showing dates of order and recording, names of plaintiff and defendant, location and description of property, and volume and page reference to recording. Arr. alph. by names of plaintiffs and defendants. Hdw. 600 pp. 16 x 13 x 3. Recr. rec. rm.

## 67. TRACT BOOK, 1816-59. 1 vol. (1).

Tract book of original purchases of land in Monroe County, showing dates of purchase and certification, certificate and Congressional Township numbers, name of purchaser, location and description of land, and amount of consideration. Arr. by Congressional Twp. nos. No index. Hdw. 225 pp. 16 x 10 x 2. Recr. rec. rm.

## 68. FIELD NOTES-U. S. SURVEY, 1811-19. 1 vol.

Certified copies of field notes of original U. S. Survey, showing date of survey, numbers and boundaries of townships, and descriptions of land and timber. Arr. num. by twp. nos. No index. Hdw. 390 pp. 14 x 9 x 1/2. Recr. rec. rm.

For other records of surveys, see entries 389, 390.

## PLATS (see also entry 293)

## 69. PLAT BOOK, 1818-. 5 vols. (two vols. not labeled, 1-3).

Plat drawings of lands in the various towns and cities of Monroe County, showing date of plat, names of owners, cities, towns, townships, villages, additions, subdivisions and cemeteries, township, range and section numbers, and location and description of property. Arr. num. by range nos., thereunder by twp. nos. No index. Hdw. 125 pp. 24 x 20 x 1 1/2. Recr. rec. rm.

## 70. ORIGINAL SURVEY, 1815-16. 1 vol.

Plats of original survey of townships in Monroe County, showing dates of order, survey and certification of department of interior and land commissioners, section and range numbers, acreage, plats, streams, corners of sections, quarter sections and extensions, quality of soil, contours of land, and description of timber. Arr. chron. by dates of surveys. No index. Hdw. 28 pp. 22 1/2 x 19 x 1. Recr. rec. rm.

## MORTGAGE TRANSACTIONS

## REAL ESTATE

## 71. GENERAL INDEX TO MORTGAGES, 1820-. 26 vols. (1-26).

General index to mortgages recorded in Deed Record, 1820-Nov.



2, 1847, entry 59, Mortgage Record, entry 72, School Fund Mortgage Record, entry 73 and Chattel Mortgage Record, Jan. 22, 1875-June 15, 1935, entry 79, showing date, number, amount and classification of mortgage, names of mortgagor and mortgagee, location and description of property, and volume and page reference to recording. Arr. alph. by names of mortgagors and mortgagees. Hdw. 600 pp. 18 x 12 x 3. Recr. rec. rm.

72. MORTGAGE RECORD, Nov. 3, 1847-. 85 vols. (A-Z, A1-A59). 1817-Nov. 2, 1847 in Deed Record, entry 59. Transcripts of mortgages executed to secure loans on real property, showing dates of mortgage, satisfaction, release or assignment and recording, amount, term, number, rate of interest and conditions of mortgage, names of mortgagor and mortgagee, location and description of property, and marginal memoranda of satisfaction or release. Also contains: School Fund Mortgage Record, Nov. 3, 1847-June 23, 1854, entry 73; Chattel Mortgage Record, Nov. 3, 1847-Jan. 21, 1873, entry 79. Arr. chron. by dates of recording. Indexed alph. by names of mortgagors and mortgagees; for separate index, see entry 71. 1847-Apr. 11, 1905, hdw.; Apr. 12, 1905-, typed. 600 pp. 18 x 12 x 3. Recr. rec. rm.

73. SCHOOL FUND MORTGAGE RECORD, June 24, 1854-. 10 vols. (1-10). Feb. 18, 1818-Nov. 2, 1847 in Deed Record, entry 59; Nov. 3, 1847-June 23, 1854 in Mortgage Record, entry 72.

Transcripts of mortgages executed to secure school fund loans, showing dates of mortgage, maturity and recording, name of mortgagor, number, amount, term, rate of interest and conditions of mortgage, and location and description of property. Arr. chron. by dates of recording. Indexed alph. by names of mortgagors; for separate index, see entry 71. 1854-1905, hdw.; 1906-, typed. 592 pp. 18 x 12 x 3. Recr. rec. rm.

For other school fund mortgage records, see entries 224-227.

74. [MORTGAGES], 1857-1900. 11 f. b. Original mortgages filed for recording and uncalled for, showing same information as in entry 72. Arr. chron. by dates of filing. No index. Hdw. and typed. 10 x 4 x 15. Recr. rec. rm.

#### CHATTEL

75. CHATTEL MORTGAGE MINUTE BOOK, June 19, 1935-. 1 vol. (1).

Abstracts of mortgages executed to secure loans on personal

property and sales contracts for property purchased on deferred payments, showing dates of mortgage or contract and filing, names of mortgagor or purchaser, mortgagee or vendor, description of property, amount of mortgage or contract, and file box reference to [Chattel Mortgages], entry 77. Arr. chron. by dates of filing. For index, see entry 76. Hdw. 600 pp. 18 x 13 x 3¼. Recr. off.

For prior records, see entry 79.

76. GEN[eral] INDEX OF CHATTEL MORTGAGES, June 19, 1935-. 1 vol. (1).

Index to Chattel Mortgage Minute Book, entry 75, showing dates of mortgage and recording, number and amount of mortgage, names of mortgagor and mortgagee, description of chattels, and volume and page reference to recording. Arr. alph. by names of mortgagors and mortgagees. Hdw. 600 pp. 18 x 13 x 3¼. Recr. off.

77. [Chattel Mortgages], June 19, 1935-. 11 f. b. Original chattel mortgages executed to secure loans on personal property, showing same information as in entry 79. Arr. num. by mortgage nos. No index. Hdw. and typed. 10 x 4 x 15. Recr. off.

78. RECORDER'S RECEIPTS, June 19, 1935-. 3 vols. Duplicate of receipts issued for chattel mortgages kept on file until released, showing dates of receipt, mortgage, filing and maturity, number and amount of mortgage, number of receipt, and names of mortgagor, mortgagee and person filing mortgage. Arr. num. by receipt nos. No index. Hdw. 11 x 8 x 2½. Recr. off.

79. CHATTEL MORTGAGE RECORD, Jan. 22, 1873-Feb. 21, 1885, Nov. 22, 1888-June 15, 1935. 28 vols. (1, 2, 4-29). 1817-Nov. 2, 1847 in Deed Record, entry 59; Nov. 3, 1847-Jan. 21, 1873 in Mortgage Record, entry 72. Transcripts of mortgages executed to secure loans on personal property, showing dates of mortgage, maturity, satisfaction and recording, number, amount, rate of interest and conditions of mortgage, names of mortgagor and mortgagee, and description of chattels. Arr. chron. by dates of recording. Indexed alph. by names of mortgagors and mortgagees; for separate index, see entry 71. Jan. 22, 1873-Feb. 21, 1885, Nov. 22, 1888-Aug. 15, 1905, hdw.; Aug. 16, 1905-June 15, 1935, typed. 540 pp. 18 x 12 x 2. Recr. rec. rm.

For subsequent records, see entry 75.

## RELEASES AND ASSIGNMENTS

80. RELEASE AND ASSIGNMENT RECORD, May 25, 1926-. 3 vols. (1-3). Title varies: Release Record, 1926-July 19, 1930, 1 vol. 1868-May 24, 1926 in Miscellaneous Record, entry 86.

Transcripts of assignments and releases of real and chattel mortgages and contracts and waivers of mechanics' and vendors' liens, showing date, nature, number and amount of instrument, names of principals, and volume and page reference to Mortgage Record, entry 72; Chattel Mortgage Record, entry 79; Mechanics' Liens, entry 82; Miscellaneous Record, entry 86. Arr. chron. by dates of instruments. No index. Typed. 600 pp. 18 x 12 x 3. Recr. rec. rm.

81. RECORD OF SATISFACTION, 1899-1909. 1 vol.

Entry book of mortgage and mechanic lien releases, showing dates of mortgage or lien and release, names of mortgagor and mortgagee or lienor and lienee, kind of mortgage, and volume and page reference to Mortgage Record, entry 72; School Fund Mortgage Record, entry 73; Chattel Mortgage Record, entry 79; Mechanics' Liens, entry 82. Arr. alph. by names of mortgagors or lienor and lienee. No index. Hdw. 250 pp. 18 x 12 x 1. Recr. rec. rm.

## LIENS

82. MECHANICS' LIENS, 1854-. 9 vols. (A, 1-8).

Transcripts of notices of mechanics' liens executed to secure payments for labor and materials, showing dates of lien and recording, amount of lien, names of lienor and lienee, and location and description of property. Arr. chron. by dates of recording. Indexed alph. by names of lienees. 1854-Jan. 1908, hdw.; Feb. 1908-, typed. 500 pp. 18 x 12 x 3. Recr. rec. rm.

83. OLD-AGE PENSION RECORD, 1936-. 1 vol.

Abstracts of certificate of award of old-age assistance establishing liens against property of recipients, showing date and time of filing, instrument, application code and serial numbers, name of recipient, and date and amount of certificate of award. Arr. num. by instrument nos. Indexed alph. by names of recipients. Hdw. 400 pp. 18 x 12 x 3. Recr. off.

For other old-age assistance records, see entries 84, 315, 372-378.

84. ABSTRACTS OF OLD-AGE CERTIFICATES FILED, 1936-. 1 f. d. Certificate of award of old-age assistance establishing liens

against property of recipients, showing same information as in entry 83. Arr. alph. by names of recipients. No index. Typed. 24 x 16 x 12. Recr. off.

For other old-age assistance records, see entries 83, 315, 372-378.

85. IMPROVED STOCK LIEN RECORD, 1893-1900. 1 vol. (1). Record of liens executed to insure payment of stallion service fees, showing dates of service, lien and recording, names and addresses of lienor and lienee, registry number, description of sire and dam, and amount of lien, Arr. chron. by dates of recording. Indexed alph. by names of lienors. Hdw. 580 pp. 18 x 12 x 3. Recr. rec. rm.

#### MISCELLANEOUS

86. MISCELLANEOUS RECORDS, Feb. 22, 1868-. 17 vols. (1-17). 1818-Feb. 21, 1868 in Deed Record, entry 59. Transcripts of miscellaneous instruments, including:

- i. Articles of incorporation, showing dates of instrument and recording, names of corporation, officers and stockholders, amount of bonds and stock, and location and description of business.
- ii. Bills of sale, showing date, amount and terms of sale, date of recording, description of property, and names of vendor and purchaser.
- iii. Contracts, showing date, nature, amount, term and conditions of contract, date of recording, and names of principals and witnesses.
- iv. Election certificate of church organizations and lodges, showing date and purpose of election, dates of recording and expiration of office, and names of officials and elective office.
- v. Options, showing date of recording, date, amount, term and conditions of option, location and description of property, and addresses of grantor and grantee.
- vi. Powers of attorney, showing dates of authorization and recording, names of principal and agent, and nature of powers granted.

For other powers of attorney records, see entry 29ii.

- vii. Wills, showing dates of will and recording, names of estate, beneficiaries and witnesses, and amount, description and nature of bequests.

For other will records, see entries, 166, 167.



viii. Leases, showing dates of lease and recording, names of lessor and lessee, conditions of lease, amount of consideration, and location and description of property.

ix. County clerk bonds, showing date of recording, date, amount and conditions of bond, and names of clerk and sureties.

x. Occasional recordings of affidavits, agreements, easements, notices of assessment and resolutions, showing dates of instrument and recording, nature and conditions, and names of parties.

Also contains: Release and Assignment Record, 1868-May 24, 1926, entry 80; Mineral Contracts, 1868-Feb. 11, 1872, Dec. 19, 1872-, entry 89. Arr. chron. by dates of recording. Indexed alph. by names of principals. 1868-July 8, 1907, hdw.; July 9, 1907-, typed. 500 pp. 18 x 12 x 3. Recr. rec. rm.

87. SOLDIER'S DISCHARGE RECORD, 1864-. 2 vols. (1, 1). Transcripts of official certificates of honorable discharge from U. S. military services, showing dates of enlistment, discharge and recording, name, age, rank, branch of service, personal description, occupation and birthplace of veteran, and reason for discharge. Arr. chron. by dates of recording. Indexed alph. by names of veterans. 1864-99, hdw., 1900-, typed. 540 pp. 18 x 12 x 3. Recr. rec. rm.

For other military records, see entries 15, 48.

88. REGISTRATION OF FARM NAMES, 1913-. 1 vol. Register of names assigned to farms for purpose of identifying farm and farm products, showing date of registration, names of farm and owner, and location and description of farm. Arr. chron. by dates of registrations. Indexed alph. by names of owners. Typed. 544 pp. 18 x 12 x 3. Recr. rec. rm.

89. MINERAL CONTRACTS, Feb. 12-Dec. 18, 1872. 1 vol. (1). 1868-Feb. 11, 1872, Dec. 19, 1872- in Miscellaneous Record, entry 86.

Transcripts of contracts for conveyance of mineral rights and rights-of-way for railroads, showing dates of contract and recording, names of grantor and grantee, location and description of property, and nature, number and amount of contract. Arr. chron. by dates of recording. Indexed alph. by names of grantors and grantees. Hdw. 456 pp. 18 x 12 x 3. Recr. rec. rm.

90. APPRENTICES' INDENTURES, 1849-94. 1 vol. (A). Discontinued.

Record of agreements to assume obligations for care and education of children in return for services performed, showing dates of agreement and recording, names of child and master, and term and conditions of agreement. Arr. chron. by dates of recording. Indexed alph. by names of children and masters. Hdw. 417 pp. 16 x 10 x 1¼. Recr. rec. rm.

91. RECORD OF EARMARKS AND BRANDS, 1837-Sept. 13, 1879. 2 vols. (one vol. not labeled, 2). Title varies: Brand Record, 1837-July 1879, 1 vol.

Record of notices of marks and brands for identification of livestock, showing dates of notice and recording, name and address of owner, and description of mark or brand. Arr. chron. by dates of recording. Indexed alph. by names of owners. Hdw. 200 pp. 16 x 10 x 1½. Recr. rec. rm.

#### FEE AND CASH RECORDS

92. RECORDER'S FEE AND CASH BOOK, 1895-. 13 vols. (1-10, 1-3). Title varies: 1895-1930, Register of Fees and Cash Book, 10 vols. 1856-94 in Entry Book, entry 57.

Record of fees collected for recording of instruments, showing date, number and nature of instrument, name of payer, date and amount of collection, and date of payment to treasurer. Arr. chron. by dates of collections. No index. Hdw. 320 pp. 18 x 12 x 3. 10 vols., 1895-1930, recr. rec. rm.; 3 vols., 1931-, recr. off.

#### NEWSPAPERS

93. [NEWSPAPERS], 1898-1921. 66 vols.

Copies of daily and weekly county newspapers procured by recorder:

*The Courier*, 1898-1921.

*The Star*, 1898-1921.

*Bloomington Telephone*, 1898-1920.

Arr. chron. by dates of publications. No index. Ptd. 600 pp. 18 x 24 x 1. Recr. rec. rm.

#### MAPS

94. MONROE COUNTY AND CITY OF BLOOMINGTON, 1904-1927. 1 map.

Political and communications map of Monroe County and Bloomington, showing date of map, and location of cemeteries, churches, schools and streets. Drawn by U. S. Hanna, Bloomington. Ptd. Scale: 1" to 160'. 39 x 48. Recr. rec. rm.

95. [MONROE COUNTY], 1920, 1932. 2 maps.

Political and communication maps of Monroe County, showing date of map, highways, railroads, lakes, rivers, ditches, cities, towns, villages, townships, cemeteries, schools, precincts, and wards. Drawn by Elmer E. Van Buskirk and Gus Frobenius, Indianapolis. Ptd. No scale given. 27 x 36; 39 x 48. 1 map, 1920, recr. rec. rm.; 1 map, 1932, bsmt. stor. rm.

96. MONROE COUNTY, 1932. 1 map.

Political and communication map of Monroe County, showing date of map, highways, railroads, lakes, rivers, ditches, cities, towns, villages, townships, cemeteries, schools, precincts, and wards. Drawn by Cyrus R. Clevenger. Ptd. No scale given. 27 x 36. Recr. rec. rm.

97. [TOWNSHIPS IN MONROE COUNTY], 1850-95. 2 maps.

Land tenure maps of townships in Monroe County, showing date of map, description and location of lots and subdivisions, outlet and inlet numbers, and name of township. Drawn by C. E. Seinthal and R. S. Davis, Bloomington. Black and white. No scale given. 19 x 23½. Recr. rec. rm.

98. BLOOMINGTON INDIANA, not dated. 1 map.

Political and communication map of Bloomington, showing names of subdivisions, streets, alleys, schools and public buildings, and locations of large industries. Drawn by John T. Stapelton, Bloomington. Ptd. Scale: 1½" to 1,320'. 26 x 35. Recr. rec. rm.

99. CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, 1904-27. 1 map.

Plat map of Bloomington, showing date of map, principal streets, plats of city area, and lot numbers. Drawn by U. S. Hanna, Bloomington. Black and white. Scale: 1" to 160'. 72 x 92. Recr. rec. rm.

100. VALHALLA MEMORIAL PARK, 1926. 1 map.

Plat of Valhalla Memorial Park Cemetery, showing date, number, size and location of plat, and name of owner. Drawn by J. H. Lowry, Indianapolis. Blueprint. Scale: 1" to 40'. 61 x 36. Recr. rec. rm.

## V. CIRCUIT COURT

## LEGAL STATUS

The circuit court, which exists under the mandatory provisions of the Constitution of 1851, consists of one judge elected for a 6-year term by the voters of the judicial circuit.<sup>1</sup> Since January 1, 1939 Monroe County alone has constituted the 10th judicial circuit.<sup>2</sup> The official name of the court is "Monroe Circuit Court."<sup>3</sup>

The judge of the circuit court is commissioned by the Governor of Indiana<sup>4</sup> and holds office until his successor is elected and qualified.<sup>5</sup> For 3 years next before his candidacy for election the judge must have been duly admitted to practice law in Indiana and also must have practiced or taught law or acted as an officer of the state or a municipality therein during said time (the periods of practice, teaching, and holding office to be combined).<sup>6</sup> During the term for which he was elected the judge cannot hold any office of trust or profit under the state, other than a judicial office;<sup>7</sup> and while holding the office of judge of the circuit court the judge must reside within the circuit,<sup>8</sup> must not hold any other lucrative office,<sup>9</sup> and must not practice law.<sup>10</sup> He must take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.<sup>11</sup>

A statute provides that the judge of the circuit court shall receive a regular salary of \$4,200 per year payable monthly out of the state treasury.<sup>12</sup> The constitution provides that an increase or decrease in the compensation of the

<sup>1</sup> Const. 1851, art. 7, secs. 1, 8, 9. Acts 1881 (Spec. Sess.); Burns 4-301; Baldwin 1395. Acts 1925, 1929; Burns 4-3220; Baldwin 1258.

<sup>2</sup> Before January 1, 1939 Monroe County belonged to judicial circuits composed of more than one county. See footnote 33 herein.

<sup>3</sup> Acts 1881 (Spec. Sess.); Burns 4-302; Baldwin 1396.

<sup>4</sup> Const. 1851, art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

<sup>5</sup> Const. 1851, art. 15, sec. 3.

<sup>6</sup> Acts 1939; Burns, 1939 suppl., 4-3224; Baldwin, 1939 suppl., 1223-1.

<sup>7</sup> Const. 1851, art. 7, sec. 16.

<sup>8</sup> *Ibid.*, sec. 9.

<sup>9</sup> Const. 1816, art. 11, sec. 13. Const. 1851, art. 2, sec. 9.

<sup>10</sup> Acts 1881 (Spec. Sess.), ch. 37, sec. 114. Acts 1905; Burns 10-3101; Baldwin 2635.

<sup>11</sup> Const. 1816, art. 11, sec. 1. Const. 1851, art. 15, sec. 4. Acts 1905; Burns 10-3708; Baldwin 2650. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

<sup>12</sup> Acts 1921; Burns 4-3209; Baldwin 1225.



judge cannot take effect until the expiration of the incumbent's term of office.<sup>13</sup>

If the judge is convicted of corruption or other high crime, he may, on an information in the name of the state, be removed from office by the supreme court.<sup>14</sup> This is the only method by which the judge may be removed from office.<sup>15</sup>

Any vacancy in the office of judge of the circuit court is filled through appointment by the governor. At the next biennial general election (held on the 1st Tuesday after the 1st Monday in November in the even-numbered years), a judge is elected for the remainder of the term in which the vacancy occurred. The person appointed or elected to fill a vacancy must take oath as was required of his predecessor, and holds office until his successor is elected and qualified.<sup>16</sup>

If on account of death, sickness, or other casualty the judge of the circuit court fails for 3 consecutive days to attend court during termtime, the auditor, sheriff, and clerk of the circuit court, acting together, may appoint a temporary judge to serve until the return of the regular judge or until his successor is named.<sup>17</sup> If for 9 months the regular judge is incapable (on account of sickness, mental incapacity, or otherwise) of discharging his duties, and the clerk certifies the facts to the secretary of state, the governor may appoint some practicing attorney within the circuit to serve as judge *pro tempore* during the continuance of the disability of the regular judge.<sup>18</sup>

If the regular judge is disqualified in any particular cause by prejudice, relationship, or interest, and the parties do not object to the regular judge making nominations for a special judge, the regular judge may designate the names of three other judges or attorneys, and the plaintiff and defend-

<sup>13</sup> Const. 1851, art. 7, sec. 13; art. 15, sec. 2 (as amended in 1926).

<sup>14</sup> *Ibid.*, art. 7, sec. 12. Acts 1897; Burns 49-819; Baldwin 13152.

<sup>15</sup> State v. Dearth (1929), 201 Ind. 1, 164 N. E. 489; State *ex rel.* Youngblood v. Warrick Circuit Court (1935), 208 Ind. 594, 196 N. E. 254. Interview of July 29, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

<sup>16</sup> Const. 1851, art. 5, sec. 18. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081. 1 Rev. Stat. 1852; Burns 49-402, 49-404, 49-408, 49-409; Baldwin 13101, 13103, 13106, 13107. State *ex rel.* Custer v. Schortemeier (1926), 197 Ind. 507, 151 N. E. 407; State *ex rel.* Middleton v. Scott Circuit Court (1935), 214 Ind. 643, 17 N. E. (2d) 464.

<sup>17</sup> 2 Rev. Stat. 1852, pt. 1, ch. 4, secs. 4, 17. Acts 1855; Burns 4-317; Baldwin 1423. Acts 1881 (Spec. Sess.); Burns 4-3103; Baldwin 1261.

<sup>18</sup> Acts 1871; Burns 4-317 to 4-319; Baldwin 1423 to 1425.

ant may each strike one of such names. The person whose name remains after such striking may serve as special judge in that particular cause. If the parties object to the regular judge making such nominations, the clerk certifies the facts to the clerk of the Supreme Court of Indiana, who, acting under the direction of the supreme court, selects the names of three persons; and each party may strike one name as aforesaid. If the parties agree on the selection of a special judge, the regular judge will appoint the person thus selected.<sup>19</sup>

The judge of the first judicial district of the Supreme Court of Indiana (Curtis G. Shake) may preside at the trial of any case pending in Monroe Circuit Court when the judge of the latter court is "incompetent to preside."<sup>20</sup>

With the organization of Monroe County in 1818,<sup>21</sup> there was established in the county, as required by the mandatory provisions of the Constitution of 1816, a circuit court composed of a president judge and two associate judges. The president judge was elected for the circuit by joint ballot of both houses of the general assembly. The associate judges were elected in the county by the voters thereof.<sup>22</sup> All judges were commissioned by the governor and held office for the term of 7 years.<sup>23</sup> Recess appointments of president judges were made by the governor when the general assembly was not in session.<sup>24</sup> The president judge alone or any two judges could hold a court; but the presence of the president was required in capital-punishment cases and cases in chancery. The president judge presided when he and one or both associate judges were present. The president judge could control the action of the court when he and one associate judge were present; and any two judges could control the action of

---

<sup>19</sup> 2 Rev. Stat. 1852, pt. 1, ch. 4, secs. 3, 4. Acts 1905, 1907; Burns 2-1409; Baldwin 207. Acts 1937; Burns, 1939 suppl., 2-1424 to 2-1430, 9-1316 to 9-1325; Baldwin, 1937 suppl., 207-1 to 207-5, 194-1, 2223-1, 2222-1 to 2222-5, 2223-2 to 2223-5.

<sup>20</sup> Acts 1872 (Spec. Sess.); Burns 4-102; Baldwin 1308. 2 Rev. Stat. 1852; Burns 4-113; Baldwin 1321. *Roster of State and Local Officials of the State of Indiana, 1940*, p. 8. Interview of April 26, 1940 with Paul Stump, clerk of the supreme court.

<sup>21</sup> Acts 1817-18 (special), ch. 6, sec. 1.

<sup>22</sup> Const. 1816, art. 5, secs. 3, 7. Acts 1816-17, ch. 2, sec. 2; ch. 3, sec. 4; ch. 14, secs. 1, 8. Acts 1817-18 (general), ch. 2, sec. 2. Rev. Laws 1824, ch. 24, sec. 2. Rev. Laws 1831, ch. 22, sec. 2. Rev. Stat. 1838, ch. 23, sec. 2. Rev. Stat. 1843, ch. 38, secs. 1-4.

<sup>23</sup> Const. 1816, art. 5, sec. 4; art. 11, sec. 9.

<sup>24</sup> *Ibid.*, art. 4, sec. 9.

the court when all three judges were present.<sup>25</sup> Since the adoption of the Constitution of 1851, the circuit court has consisted of one judge elected by the voters of the judicial circuit for a 6-year term.<sup>26</sup>

The circuit court created by the Constitution of 1816 had original jurisdiction of naturalization proceedings under the federal laws, all criminal cases under the state laws (except those punishable only by fine not exceeding \$3, of which the justices of the peace had exclusive original jurisdiction), all civil actions at law, all equity cases (including suits for divorce), insanity inquests and commitments, guardianships, probate of wills, and administration of estates of decedents. The associate judges were sometimes called "The Probate Court" when exercising their jurisdiction concerning decedents' estates.<sup>27</sup> Some of the original jurisdiction of the circuit court was transferred in 1829 to the probate court, which is discussed hereinafter. The circuit court had appellate jurisdiction to review decisions of the board doing county business,<sup>28</sup> justices of the peace,<sup>29</sup> the probate court,<sup>30</sup> and the court of common pleas.<sup>31</sup> Decisions of the circuit court were reviewable by the Supreme Court of Indiana.<sup>32</sup>

---

<sup>25</sup> *Ibid.*, art. 5, sec. 3. Fuller v. State (1820), 1 Blackford 63; Cook v. State (1844), 7 Blackford 165; Miller v. Burger (1850), 2 Ind. 337.

Adjournment for lack of quorum. Acts 1816-17, ch. 2, sec. 10.

<sup>26</sup> Const. 1851, art. 7, sec. 8. Acts 1881 (Spec. Sess.); Burns 4-301; Baldwin 1395.

<sup>27</sup> U. S. Statutes at Large, 2:153, 155 (law of 1802); 4:69 (law of 1824). Const. 1816, art. 5, sec. 3. Acts 1816-17, ch. 2, secs. 5-8; ch. 3, secs. 2, 3; ch. 4, sec. 19. Acts 1817-18 (general), ch. 2, secs. 5-7; chs. 3, 13. Acts 1821-22, ch. 73, sec. 4. Rev. Laws 1824, ch. 24, secs. 4-6. Acts 1825, ch. 35, secs. 1-3. Rev. Laws 1831, ch. 22, sec. 3. Rev. Stat. 1838, ch. 23, secs. 3-7, 12; ch. 31, sec. 1. Rev. Stat. 1843, ch. 35, secs. 22-72; ch. 33, secs. 6-32. Prentiss v. Porter (1822), 1 Blackford 525; Mills v. Bradley (1827), 1 Blackford 541; State v. Albertson (1829), 2 Blackford 251; Bequette v. Lasselle (1840), 5 Blackford 443; Sherry v. Winton (1848), 1 Ind. 96.

<sup>28</sup> Rev. Stat. 1838, ch. 21, secs. 28, 29; ch. 41, sec. 12. Rev. Stat. 1843, ch. 7, secs. 37-43, ch. 11, sec. 11; ch. 16, sec. 56; ch. 17, sec. 18. Reddington v. Hamilton (1846), 8 Blackford 62; Taylor v. Lucas (1846), 8 Blackford 289; Malone v. Hardesty (1848), 1 Ind. 79.

<sup>29</sup> Acts 1816-17, ch. 5, sec. 18. Rev. Stat. 1838, ch. 4, sec. 5; ch. 6, secs. 5, 11; ch. 19, sec. 16; ch. 43, sec. 6; ch. 58, secs. 11, 80, 90; ch. 79, sec. 21. Rev. Stat. 1843, ch. 19, secs. 23, 46; ch. 23, sec. 10; ch. 35, sec. 162; ch. 41, secs. 11, 42, 43; ch. 42, sec. 63; ch. 43, secs. 9-13; ch. 45, secs. 173-176, 193, 216; ch. 47, secs. 159-182; ch. 55, sec. 21.

<sup>30</sup> Acts 1828-29, ch. 26, sec. 4. Rev. Laws 1831, ch. 24, sec. 7; ch. 25, sec. 52. Rev. Stat. 1838, ch. 24, sec. 12; ch. 25, secs. 13, 16. Rev. Stat. 1843, ch. 37, secs. 1, 9, 70; ch. 39, secs. 33-36.

<sup>31</sup> 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 13, 20; pt. 2, ch. 1, sec. 550.

<sup>32</sup> Acts 1816-17, ch. 1, secs. 7, 13. Acts 1817-18 (general), ch. 1, secs. 7, 13. Rev. Laws 1824, ch. 25, sec. 7. Rev. Laws 1831, ch. 24, sec. 7. Rev. Stat. 1838, ch. 25, secs. 13, 16. Rev. Stat. 1843, ch. 37, secs. 1, 9, 70, 91.

From the organization of the Monroe Circuit Court until the present time, Monroe County has belonged to the following judicial circuits: 1818 until December 31, 1821, first circuit (Daviess, Dubois, Knox, Greene, Lawrence, Martin, Monroe, Orange, Owen, Parke, Sullivan, and Vigo); December 31, 1821 until January 14, 1824, fifth circuit (Bartholomew, Decatur, Greene, Hamilton, Henry, Jennings, Johnson, Lawrence, Madison, Marion, Monroe, Morgan, Owen, Rush, and Shelby); January 14, 1824 until February 12, 1825, second circuit (Clark, Floyd, Harrison, Jackson, Jefferson, Jennings, Lawrence, Monroe, Scott, and Washington); February 12, 1825 until January 20, 1830, fifth circuit (Allen, Bartholomew, Carroll, Cass, Decatur, Hamilton, Hancock, Hendricks, Henry, Johnson, Madison, Marion, Monroe, Morgan, Rush, and Shelby); January 20, 1830 until January 28, 1839, seventh circuit (Brown, Clay, Daviess, Greene, Knox, Martin, Monroe, Owen, Putnam, Sullivan, and Vigo); January 28, 1839 until June 17, 1852, 10th circuit (Brown, Daviess, Greene, Lawrence, Martin, Monroe, Morgan, and Owen); June 17, 1852 until March 6, 1873, sixth circuit (Clay, Greene, Monroe, Morgan, Owen, Putnam, Sullivan, and Vigo); March 6, 1873 to date, 10th circuit (Lawrence, Martin, Monroe, Orange, and Owen). Every county which was in the designated circuits at any time during the designated periods is shown above. There were numerous transfers of counties to and from those circuits during those periods. Before March 6, 1873 Monroe County belonged to judicial circuits always composed of more than one county. The 10th circuit was composed of the counties of Lawrence, Monroe, and Orange from March 6, 1873 until March 8, 1879. Martin was added to this circuit on March 8, 1879 and omitted on April 2, 1885. Orange and Lawrence were omitted on March 6, 1889 and August 1, 1911, respectively. Owen was added on August 1, 1911 and omitted on January 1, 1939. Monroe County alone has constituted the 10th circuit since January 1, 1939.<sup>33</sup> An act of 1937, effective January 1,

---

<sup>33</sup> Acts 1817-18 (general), ch. 73, sec. 1. Acts 1818-19, ch. 6, sec. 2. Acts 1819-20, ch. 67, secs. 1, 4. Acts 1820-21, ch. 6, secs. 1, 2. Acts 1821-22, ch. 40, secs. 2, 5, 10. Acts 1822-23, ch. 47, secs. 2-4. Rev. Laws 1824, ch. 26, sec. 1. Acts 1825, ch. 16, secs. 4, 5. Acts 1825-26, ch. 11, secs. 1, 2. Acts 1826-27, ch. 91, sec. 7. Acts 1827-28, ch. 18, sec. 6. Acts 1828-29, ch. 25, sec. 1. Acts 1829-30, ch. 28 (first act), sec. 1. Rev. Laws 1831, ch. 23, sec. 1. Acts 1835-36 (general), ch. 19, sec. 6. Acts 1838-39 (general), ch. 2, sec. 1. Acts 1840-41 (general), ch. 25, sec. 1. Acts 1841-42 (general), ch. 24, sec. 1. Acts 1851-52, ch. 21, sec. 6. Acts 1867, ch. 25, sec. 1. Acts 1873, ch. 29, sec. 11. Acts 1879, ch. 18, sec. 1. Acts 1885 (Spec. Sess.), ch. 23, sec. 1. Acts 1889, ch. 91 sec. 2. Acts 1911, ch. 131, secs. 2, 7. Acts 1937, ch. 73, secs. 1, 7 (effective January 1, 1939).



1939, provides for 3 terms of court each year in Monroe County, beginning on the 1st Monday in January, the 1st Monday in April, and the 2d Monday in September, each term lasting "as long as the business pending in such court shall require, except that the April term shall continue to and include the last Saturday in June each year." The terms are named for the months in which they begin.<sup>34</sup> Many laws were enacted by the legislature before 1937 for the purpose of regulating the commencement and duration of terms of court in the Monroe Circuit Court.<sup>35</sup>

A probate court, consisting of one judge, was established in Monroe County in 1829. The judge was elected for a 7-year term by the voters of the county. The court had exclusive original jurisdiction over guardianships, probate of wills, and settlement of decedents' estates; and had original jurisdiction (concurrent with the circuit court) over dower proceedings, partition proceedings, and actions concerning guardians, heirs, devisees, executors, and administrators.<sup>36</sup> Except as hereinafter stated, the court held 4 terms each year, commencing on the 2d Monday in February, May, August, and November, each term lasting 6 days. An act of January 26, 1847 increased the length of the February, May, and August terms to 2 weeks. After February 8, 1848 every term could last 2 weeks. An act of February 8, 1848 provided that the February term in 1848 shall begin on the 3d Monday of that month.<sup>37</sup> After June 15, 1852 the judge of the circuit court could act

---

<sup>34</sup> Acts 1937, ch. 73, sec. 2.

<sup>35</sup> Acts 1817-18 (general), ch. 73, sec. 2. Acts 1818-19, ch. 6, sec. 2. Acts 1819-20, ch. 67, sec. 1. Acts 1820-21, ch. 6, sec. 2. Acts 1821-22, ch. 40, sec. 10. Acts 1822-23, ch. 47, sec. 4. Rev. Laws 1824, ch. 26, sec. 3. Acts 1825, ch. 16, sec. 3. Acts 1825-26, ch. 11, sec. 2. Acts 1826-27, ch. 18, sec. 3. Acts 1827-28, ch. 18, sec. 1. Acts 1828-29, ch. 25, sec. 1. Acts 1829-30, ch. 28 (second act), sec. 7. Rev. Laws 1831, ch. 23, sec. 8. Acts 1831-32, ch. 157, sec. 5. Acts 1836-37 (general), ch. 40, sec. 1. Acts 1838-39 (general), ch. 2, sec. 11. Acts 1844-45 (general), ch. 56, sec. 1. Acts 1846-47 (general), ch. 11, sec. 1. Acts 1848-49 (general), ch. 41, sec. 1. Acts 1849-50 (general), ch. 44, secs. 1, 2. Acts 1851-52, ch. 22, sec. 1. Acts 1871, ch. 26, sec. 1. Acts 1873, ch. 29, sec. 49. Acts 1875, ch. 26, sec. 1. Acts 1877, ch. 22, secs. 1, 2. Acts 1879, ch. 18, secs. 3-6. Acts 1885 (Spec. Sess.), ch. 28, sec. 4; ch. 64, secs. 1-4. Acts 1889, ch. 91, sec. 2. Acts 1891, ch. 11, secs. 1, 2. Acts 1897, ch. 29, secs. 1, 2. Acts 1911, ch. 131, sec. 2. Acts 1915, ch. 36, sec. 1. Acts 1933, ch. 59, sec. 1.

<sup>36</sup> Const. 1816, art. 5, sec. 4. Acts 1828-29, ch. 26, secs. 1, 2. Rev. Laws 1831, ch. 25, secs. 1, 4. Rev. Stat. 1838, ch. 24, sec. 1. Rev. Stat. 1843, ch. 4, secs. 2, 9; ch. 39, secs. 1-13.

<sup>37</sup> Acts 1831-32, ch. 159, sec. 1. Rev. Stat. 1838, ch. 24, sec. 68. Rev. Stat. 1843, ch. 39, sec. 40. Acts 1846-47 (general), ch. 76, sec. 1. Acts 1847-48 (general), ch. 62, secs. 1-3. Acts 1848-49 (general), ch. 56, sec. 1. Acts 1849-50 (general), ch. 59, sec. 1.

for the judge of the probate court when he failed to hold a regular term of court.<sup>38</sup> Decisions of the probate court were reviewable by the Monroe Circuit Court or the Supreme Court of Indiana.<sup>39</sup> The probate court was abolished on May 6, 1853, and its jurisdiction and business were transferred to the court of common pleas.<sup>40</sup>

A court of common pleas, consisting of one judge, was established in Monroe County in May 1853. The judge was elected for a 4-year term by the voters of the common pleas district, originally composed of the counties of Brown, Monroe, and Morgan.<sup>41</sup> Originally the court of common pleas held 4 terms of court in Morgan County each year, beginning on the 1st Monday in January, April, July, and October, each term lasting 3 weeks if the business of the court required it. Terms in Monroe County began "on the Mondays succeeding the courts in the county of Morgan," each term lasting 2 weeks if the business of the court required it. If the circuit court was in session at the time for commencement of a term of the court of common pleas, the term began on the 1st Monday following the completion of the term of the circuit court. An act of March 3, 1855 reduced the terms in Morgan County to 2 weeks and authorized special terms in any county for the completion of any business scheduled for regular terms and remaining unfinished at expiration of the term. After August 6, 1859 only 3 regular terms could be held each year. From August 6, 1859 until October 1, 1860 the terms began in Monroe County on the 1st Monday in January, May, and September. After October 1, 1860 the terms began in Monroe County on the 1st Monday in April, August, and December, except that after December 20, 1865 the August term began on the 3d Monday of that month.<sup>42</sup> An act of March 1, 1859 provided that the judicial district shall be composed of the counties of Brown, Johnson, Monroe, Morgan,

---

<sup>38</sup> Acts 1851-52, ch. 34, secs. 1, 3.

<sup>39</sup> Acts 1828-29, ch. 26, sec. 4. Rev. Laws 1831, ch. 24, sec. 7; ch. 25, sec. 52. Rev. Stat. 1838, ch. 24, sec. 12; ch. 25, secs. 13, 16. Rev. Stat. 1843, ch. 37, secs. 1, 9, 70; ch. 39, secs. 33-36.

<sup>40</sup> 1 Rev. Stat. 1852, ch. 92, sec. 1. 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 43. Jones v. Cavins (1853), 4 Ind. 305.

<sup>41</sup> 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 1, 3, p. 16. Jones v. Cavins (1853), 4 Ind. 305.

<sup>42</sup> 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 29-31, p. 21. Acts 1853, ch. 33, secs. 1, 2. Acts 1855, ch. 27, secs. 52, 54, 93, 94. Acts 1859, ch. 47, secs. 8, 23; ch. 51, sec. 3. Acts 1861, ch. 33, sec. 1. Acts 1865 (Spec. Sess.); ch. 43, sec. 1. Acts 1867, ch. 28, sec. 1. Jones v. Cavins (1853), 4 Ind. 305.

and Shelby.<sup>43</sup> The court of common pleas had exclusive original jurisdiction over insanity inquests and commitments, guardianships, probate of wills, and settlement of estates of decedents, minors, and insane persons; and had original jurisdiction (concurrent with the circuit court) over naturalization proceedings, equity cases, criminal cases (except offenses punishable by death and offenses punishable only by fine not exceeding \$3, and except all felonies where the defendant did not voluntarily submit himself to the jurisdiction of the court), and civil actions at law (except slander, libel, breach of marriage contract, titles to real estate, actions on bonds of state and county officers, and actions to recover less than \$50 or more than \$1,000— judgment could be rendered for more than \$1,000 when based on consent). Any case in which the judge was disqualified could be transferred to the circuit court.<sup>44</sup> Decisions of the court of common pleas were reviewable by the Monroe Circuit Court or the Supreme Court of Indiana.<sup>45</sup> The court of common pleas was abolished on March 6, 1873, and its jurisdiction and business were transferred to the circuit court.<sup>46</sup>

The constitution provides for tribunals of conciliation with such powers and duties as may be prescribed by law, but without power to render an enforceable judgment in the absence of agreement of the parties to abide the judgment of such tribunal.<sup>47</sup> Accordingly, the general assembly, by an act of 1852 which became effective on May 6, 1853, established in the county a court of conciliation, to be held by the judge of the court of common pleas. It had jurisdiction of claims and controversies submitted to it for the purpose of effecting a compromise or for determination. In cases of libel, slander, assault and battery, false imprisonment, and malicious prosecution, the complaining party could have the opposite party served with a notice requiring him to appear before the court. Hearings were private and informal. Con-

---

<sup>43</sup> Acts 1859, ch. 51, sec. 1.

This district, composed of said counties, was officially designated "the eighth district." Acts 1891, ch. 28, sec. 1.

<sup>44</sup> *U. S. Statutes at Large*, 2:153, 155 (law of 1802); 4:69 (law of 1824). 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5; ch. 8, secs. 4, 5, 7, 9, 11, 12, 14, 17, 21, 23.

<sup>45</sup> 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 13, 20; pt. 2, ch. 1, sec. 550; ch. 10, secs. 189-193; ch. 11, secs. 43-46.

<sup>46</sup> Acts 1873, ch. 29, secs. 79-88.

<sup>47</sup> Const. 1851, art. 7, sec. 19.

troversies submitted by both parties to the court for determination were determined according to right and conscience without regard to technical rules. The judge was required to keep a book containing a memorandum of proceedings and the judgment. The law did not authorize an appeal to another court.<sup>48</sup> This court was abolished in 1865.<sup>49</sup>

#### FUNCTIONS AND RECORDS

The circuit court has original jurisdiction of naturalization proceedings under the federal laws, all criminal cases under the state laws (except those punishable only by fine not exceeding \$3, of which the justices of the peace have exclusive original jurisdiction), all civil actions at law, all suits in equity, divorce and alimony proceedings, declaratory judgment proceedings, juvenile matters, insanity inquests and commitments, election contests, proceedings for removal of county officers, quo warranto proceedings, proceedings for mandate, prohibition, and injunction, proceedings to quiet title to real estate, partition proceedings, ne exeat proceedings, habeas corpus proceedings, proceedings to commit persons to hospitals operated by Indiana University, eminent domain proceedings, proceedings to establish drainage districts and assessments, proceedings for change of names, adoption proceedings, receiverships, bastardy proceedings, guardianships, probate of wills, and administration of estates of decedents, minors, and insane persons. The circuit court is known as the "Juvenile Court" when exercising jurisdiction of juvenile matters.<sup>50</sup>

---

<sup>48</sup> 2 Rev. Stat. 1852, pt. 2, ch. 2, secs. 1-3, 5-8, 12, 13, 18, 20. *Jones v. Cavins* (1853), 4 Ind. 305.

<sup>49</sup> Acts 1865 (Spec. Sess.), ch. 57.

<sup>50</sup> General provisions. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

Naturalization proceedings. *U. S. Statutes at Large*, 2:153, 155 (law of 1802); 4:69 (law of 1824). *U. S. C.*, title 8, sec. 257 (laws of 1906, 1911, 1913).

Criminal cases within exclusive jurisdiction of justices of the peace. Acts 1905; Burns 9-711, 9-715; Baldwin 2080, 2084.

Divorce and alimony. Acts 1873, 1933; Burns 3-1203, 3-1217; Baldwin 904, 926. Acts 1903; Burns 3-1232; Baldwin 935. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

Declaratory judgment proceedings. Acts 1927; Burns 3-1101 to 3-1116; Baldwin 438-453.

Election contests. Acts 1933, 1935; Burns, 1939 suppl., 29-2301 to 29-2309; Baldwin, 1935 suppl., 7428 to 7435, 7427-1. *State ex rel. Lord v. Sullivan* (1938), 214 Ind. 279, 15 N. E. (2d) 384.

Removal of county officers. Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052. *Bateman v. State* (1938), 214 Ind. 138, 14 N. E. (2d) 1007.



The circuit court has appellate jurisdiction<sup>5 1</sup> to review decisions of justices of the peace,<sup>5 2</sup> city courts,<sup>5 3</sup> board of  
-----

Eminent domain. Acts 1905, 1935; Burns, 1939 suppl., 3-1702; Baldwin, 1935 suppl., 14062. Acts 1905; Burns 3-1707; Baldwin 14068.

Quo warranto. Acts 1881 (Spec. Sess.), 1929; Burns 3-2001 to 3-2016; Baldwin 1045, 1046, 1054, 1047 to 1060.

Drainage districts and assessments. Acts 1933; Burns 27-104, 27-109, 27-116, 27-122, 27-134; Baldwin 5740, 5745, 5752, 5753, 5770. Penn v. Ducomb (1938), 213 Ind. 133, 12 N. E. (2d) 116.

Change of name. 2 Rev. Stat. 1852, Acts 1905; Burns 3-801 to 3-805; Baldwin 869 to 873.

Adoption. Acts 1855, 1853; Burns 3-101, 3-103; Baldwin 631, 684.

Receiverships. Acts 1881 (Spec. Sess.); Burns 3-2601 *et seq.*; Baldwin 1143 *et seq.*

Bastardy proceedings. 2 Rev. Stat. 1852; Burns 3-606 to 3-614, 3-616; Baldwin 851, 855, 856, 859, 852, 854, 857, 858, 860, 865. 2 Rev. Stat. 1852, Acts 1877, 1935; Burns, 1939 suppl., 3-605, 3-615; Baldwin, 1935 suppl., 850, 861.

Mandate and prohibition. Acts 1881 (Spec. Sess.), 1911, 1915, 1933; Burns 3-2201 to 3-2208; Baldwin 1090 to 1093, 1095, 1095-1, 1096, 1097.

Injunction. Acts 1881 (Spec. Sess.), 1899; Burns 3-2101 to 3-2120; Baldwin 1061 to 1060.

Quieting title. Acts 1881 (Spec. Sess.), 1911, 1915; Burns 3-1401 to 3-1410; Baldwin 966, 3303, 3304, 967, 942, 943, 970, 969, 968, 968 note. Acts 1935; Burns, 1939 suppl., 3-1417, 3-1418; Baldwin, 1935 suppl., 558-1, 558-2.

Partition. 2 Rev. Stat. 1852, Acts 1881 (Spec. Sess.), 1897; Burns 3-2401 *et seq.*; Baldwin 1109 *et seq.*

Ne exeat. Acts 1881 (Spec. Sess.); Burns 3-2301 to 3-2307; Baldwin 1102, 1105, 1098, 1099, 1100, 1101, 1103.

Habeas corpus. Acts 1881 (Spec. Sess.); Burns 3-1901 to 3-1925; Baldwin 1020 *et seq.*

Juvenile matters. Acts 1903, 1913, 1931, 1935, 1937; Burns, 1939 suppl., 9-2801; Baldwin, 1937 suppl., 1759.

Insane persons. 2 Rev. Stat. 1852, Acts 1895; Burns 3-202 *et seq.*; Baldwin 3460 *et seq.* Acts 1855; Burns 22-1401 *et seq.*; Baldwin 1081 *et seq.* Acts 1939; Burns. 1939 suppl., 22-1742; Baldwin, 1939 suppl., 4227-2.

Wills. 2 Rev. Stat. 1852; Burns 7-401, 7-414, 7-503, 7-506; Baldwin 3376, 3388, 3393, 3401. Acts 1911, 1921, 1933; Burns 7-504; Baldwin 3395.

Hospitals operated by Indiana University. Acts 1939; Burns, 1939 suppl., 28-5417; Baldwin, 1939 suppl., 14078-89c.

"Courts are bound to declare the law to be that which the General Assembly, acting within its constitutional power, enacts, be it wise or foolish as measured by our personal views, and even though it shocks our sense of justice and fairness." State v. Brown (1937), 213 Ind. 118, 124, 11 N. E. (2d) 679.

<sup>5 1</sup> Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

<sup>5 2</sup> 2 Rev. Stat. 1852; Burns 5-1001; Baldwin 1931.

<sup>5 3</sup> Acts 1905; Burns 4-2415; Baldwin 2390. Acts 1917; Burns 4-2603; Baldwin 11608. Acts 1921; Burns 4-2702; Baldwin 12172. Acts 1923; Burns 4-2802; Baldwin 12336.

commissioners,<sup>54</sup> board of review fixing value of property for taxation,<sup>55</sup> taxing authorities determining that property is taxable,<sup>56</sup> board of public works or board of park commissioners of any city in the county (or city council performing such functions),<sup>57</sup> and other inferior tribunals when no express direction is given as to the court to which the appeal lies.<sup>58</sup>

The circuit court has power to make all proper judgments, sentences, decrees, orders, and injunctions; to punish contempts; to issue all process necessary for the exercise of its jurisdiction (including process to inferior courts);<sup>59</sup> and to adopt rules for conducting its business.<sup>60</sup> Decisions of the circuit court are reviewable by the Supreme Court of Indiana or the Appellate Court of Indiana.<sup>61</sup>

The judge of the circuit court is a conservator of the peace throughout his judicial circuit,<sup>62</sup> and takes all necessary recognizances to keep the peace "or to answer any criminal charge or offense in the court having jurisdiction."<sup>63</sup> He is a member of the commission of public records.<sup>64</sup> He appoints one member of the county school fund board,<sup>65</sup> five members of the county board of public welfare,<sup>66</sup> two members of the county board of review,<sup>67</sup> four members of the county board of tax adjustment,<sup>68</sup> and three members of the

<sup>54</sup> Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275. 1 Rev. Stat. 1852; Burns 26-901; Baldwin 5277. Acts 1905; Burns 36-1501; Baldwin 8858. Acts 1933; Burns 27-117; Baldwin 5753. *State ex rel. Sink v. Cass Circuit Court* (1939), 214 Ind. 323, 15 N. E. (2d) 624.

<sup>55</sup> Acts 1927; Burns 64-1020; Baldwin 15686.

<sup>56</sup> Acts 1919, 1927; Burns 64-2103; Baldwin 15804.

<sup>57</sup> Acts 1933; Burns 48-4501; Baldwin 11576.

<sup>58</sup> *Hamilton v. Fort Wayne* (1880), 73 Ind. 1.

<sup>59</sup> 2 Rev. Stat. 1852; Burns 4-305 to 4-307, 4-312; Baldwin 1698 to 1400, 1405.

*Contempt. Universal Credit Co. v. Talcott* (1938), 213 Ind. 228, 12 N. E. (2d) 141.

<sup>60</sup> 2 Rev. Stat. 1852; Burns 4-313; Baldwin 1406.

<sup>61</sup> 2 Rev. Stat. 1852, pt. 2, ch. 1, sec. 550. Acts 1901, 1907, 1915, 1925; Burns 4-214; Baldwin 1356.

<sup>62</sup> Const. 1816, art. 5, sec. 5. Const. 1851, art. 7, sec. 15.

<sup>63</sup> 2 Rev. Stat. 1852; Burns 4-314; Baldwin 1407. *State v. Cooper* (1883), 90 Ind. 575.

<sup>64</sup> Acts 1939; Burns, 1939 suppl., 49-3701; Baldwin, 1939 suppl., 5492-1.

<sup>65</sup> Acts 1865, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6558.

<sup>66</sup> Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1118; Baldwin, 1937 suppl., 14078-19.

<sup>67</sup> Acts 1895, ch. 36, sec. 2. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

<sup>68</sup> Acts 1932 (Spec. Sess.), ch. 10, sec. 4. Acts 1933, ch. 237, sec. 4. Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

county public library board.<sup>69</sup> He would appoint eight members of the county hospital governing board if a county hospital were established in the county.<sup>70</sup> He may appoint two tobacco inspectors for the county,<sup>71</sup> special prosecuting attorneys (in case of disqualification or failure to attend court),<sup>72</sup> special county commissioners (in case of disqualification),<sup>73</sup> and attorneys to represent poor persons in the circuit court.<sup>74</sup> Under the provisions of an act of 1939 he may appoint magistrates for a court to be known as "The Magistrates Court of Monroe County," but no such magistrates have been appointed.<sup>75</sup> He approves the official bonds of the prosecuting attorney.<sup>76</sup> the county director of public welfare,<sup>77</sup> and collection agencies.<sup>78</sup> He makes certificates of "qualification and moral character" concerning persons applying to the governor for appointments as notaries public.<sup>79</sup> He can solemnize marriages,<sup>80</sup> administer oaths,<sup>81</sup> take acknowledgments and proofs of deeds and other documents,<sup>82</sup> waive certain provisions of the marriage license law requiring laboratory tests and medical certificates,<sup>83</sup> issue licenses for carrying pistols,<sup>84</sup> and certify as to the authenticity of transcripts of the records and proceedings of the court.<sup>85</sup>

<sup>69</sup> Acts 1917, 1921, 1927, 1939; Burns, 1939 suppl., 41-510; Baldwin, 1939 suppl., 10321.

<sup>70</sup> Acts 1903, 1939; Burns, 1939 suppl., 22-3203; Baldwin, 1939 suppl., 4509.

<sup>71</sup> Acts 1857; Burns 67-308; Baldwin 9461.

<sup>72</sup> Rev. Laws 1824, ch. 24, sec. 12. Acts 1833-34, ch. 92, secs. 1-4. Rev. Stat. 1838, ch. 9 (second act), secs. 1-4. Acts 1851-52, ch. 8, sec. 5. 2 Rev. Stat. 1852; Burns 49-2505; Baldwin 5461. *Perfect v. State* (1926), 197 Ind. 401, 141 N. E. 52; *State ex rel. Williams v. Ellis* (1916), 184 Ind. 307, 112 N. E. 98; *State ex rel. Spencer v. Marion Criminal Court* (1938), 214 Ind. 551, 15 N. E. (2d) 1020.

<sup>73</sup> Acts 1913; Burns 26-614 to 26-616; Baldwin 5229 to 5231.

<sup>74</sup> Acts 1881 (Spec. Sess.); Burns 2-211; Baldwin 26. Acts 1913; Burns 2-1417; Baldwin 199. Acts 1905; Burns 9-1314; Baldwin 2235. *Opinions of the Attorney General of Indiana, 1939*, p. 351.

<sup>75</sup> Acts 1939; Burns, 1939 suppl., 4-3502; Baldwin, 1939 suppl., 2008-2.

<sup>76</sup> 2 Rev. Stat. 1852; Burns 49-2502; Baldwin 5458.

<sup>77</sup> Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1119; Baldwin, 1937 suppl., 14078-20.

<sup>78</sup> Acts 1937; Burns, 1939 suppl., 10-5001; Baldwin, 1937 suppl., 2468-5.

<sup>79</sup> 1 Rev. Stat. 1852, Acts 1855; Burns 49-3503; Baldwin 13016.

<sup>80</sup> Acts 1897; Burns 44-301; Baldwin 5621.

<sup>81</sup> 2 Rev. Stat. 1852; Burns 4-312; Baldwin 1405. Acts 1861; Burns 49-601; Baldwin 13053.

<sup>82</sup> 1 Rev. Stat. 1852, Acts 1859; Burns 56-123; Baldwin 14674.

<sup>83</sup> Acts 1939; Burns, 1939 suppl., 44-213; Baldwin, 1939 suppl., 5624-1.

<sup>84</sup> Acts 1935, 1937; Burns, 1939 suppl., 10-4738; Baldwin, 1937 suppl., 2569-5.

<sup>85</sup> Acts 1881 (Spec. Sess.); Burns 2-1605, 2-1617, 2-3106; Baldwin 273, 258, 459. Acts 1881

In pursuance of appropriations by the county council,<sup>86</sup> the judge of the circuit court may make allowances against the county for expense of administration of justice.<sup>87</sup> Such allowances include compensation of witnesses,<sup>88</sup> jurors,<sup>89</sup> master commissioners,<sup>90</sup> sheriff,<sup>91</sup> bailiffs,<sup>92</sup> court reporter,<sup>93</sup> page,<sup>94</sup> and attorneys appointed to represent poor persons.<sup>95</sup>

The sheriff, in person or by deputy, attends the circuit court, preserves order therein, makes announcements for the court, calls witnesses to the courtroom, and executes all process of the court.<sup>96</sup> Bailiffs (appointed by the judge as needed) wait on the grand juries and petit juries and preserve order during their proceedings and deliberations. If no bailiff is appointed, the sheriff or his deputy performs these duties.<sup>97</sup> In the event of the absence, personal interest, or incapacity of the sheriff, or vacancy in his office, the coroner performs these duties of the sheriff;<sup>98</sup> and in the

(Spec. Sess.), 1929; Burns 2-2520; Baldwin 392. Acts 1903, 1933; Burns 2-3112; Baldwin 466. 2 Rev. Stat. 1852; Burns 4-307; Baldwin 1400. Acts 1905; Burns 9-2103; Baldwin 2315.

<sup>86</sup> Acts 1899; Burns 26-515, 26-527; Baldwin 5379, 5391.

<sup>87</sup> Acts 1879 (Spec. Sess.); Burns 49-1432, 49-1434; Baldwin 13127, 13128.

Change of venue from county. Acts 1905; Burns 9-1312 to 9-1315; Baldwin 2233 to 2236.

Blank books and stationery. 2 Rev. Stat. 1852; Burns 49-2709; Baldwin 1436.

<sup>88</sup> 1 Rev. Stat. 1852; Burns 9-2408; Baldwin 1306.

<sup>89</sup> Acts 1881 (Spec. Sess.), 1913, 1927, 1933; Burns 4-3319; Baldwin 1277.

<sup>90</sup> Acts 1881 (Spec. Sess.), 1903; Burns 4-3407; Baldwin 1286.

<sup>91</sup> Acts 1895, 1905, 1915, 1919; Burns 49-1311; Baldwin 7570.

Change of venue from county. Acts 1905; Burns 9-1315; Baldwin 2236.

<sup>92</sup> Acts 1921, 1935; Burns, 1939 suppl., 4-3107; Baldwin, 1935 suppl., 1256. Acts 1895, 1905, 1915, 1919; Burns 49-1311; Baldwin 7570. 2 Rev. Stat. 1852; Burns 49-2804; Baldwin 5496. *Opinions of the Attorney General of Indiana, 1939*, p. 312.

<sup>93</sup> Acts 1921, 1939; Burns, 1939 suppl., 4-3507; Baldwin, 1939 suppl., 1298-1. Acts 1893; Burns 4-3511; Baldwin 1300.

<sup>94</sup> *Opinions of the Attorney General of Indiana, 1939*, p. 312.

<sup>95</sup> Acts 1881 (Spec. Sess.); Burns 2-211, 2-212; Baldwin 26, 27. Acts 1905; Burns 9-1314; Baldwin 2235. *Opinions of the Attorney General of Indiana, 1939*, p. 351.

<sup>96</sup> 2 Rev. Stat. 1852; Burns 49-2802; Baldwin 5494. See the essay entitled "Sheriff."

<sup>97</sup> 1 Rev. Stat. 1852, ch. 3, sec. 4. 2 Rev. Stat. 1852, pt. 1, ch. 6, sec. 4. Acts 1879, ch. 51, sec. 26. Acts 1881 (Spec. Sess.); ch. 36, sec. 353; ch. 50, sec. 1. Acts 1895, ch. 145, sec. 122. Acts 1899, chs. 83, 112. Acts 1905, ch. 155. Acts 1915, ch. 172. Acts 1919, ch. 134. Acts 1921, ch. 146. Acts 1921, 1935; Burns, 1939 suppl., 4-3107; Baldwin, 1935 suppl., 1256. Acts 1905; Burns 9-1501, 9-1810; Baldwin 2246, 2290. *Adams v. State* (1938), 214 Ind. 603, 17 N. E. (2d) 84. *Opinions of the Attorney General of Indiana, 1939*, p. 312.

<sup>98</sup> 2 Rev. Stat. 1852; Burns 49-2932; Baldwin 5437.



event also of the absence, personal interest, or incapacity of the coroner, or vacancy in his office, the judge appoints an elisor to perform these duties of the sheriff.<sup>99</sup> The prosecuting attorney acts as attorney for the state in criminal cases under state laws and as attorney for the county and state in certain civil cases.<sup>100</sup> The probation officer (appointed by the judge for an indefinite term when needed) makes investigations and reports in criminal and juvenile matters as directed by the court, and supervises the conduct of persons on probation.<sup>101</sup> The county director of public welfare performs duties of the probation officer when so directed by the court.<sup>102</sup> The court reporter (appointed by the judge for an indefinite term) takes down in shorthand, and thereafter transcribes into typewriting, as directed by the court or the parties, the oral evidence, rulings, instructions to the jury, and other proceedings of the court.<sup>103</sup> Two jury commissioners (annually appointed by the judge) prepare lists of names from which the grand juries and petit juries are drawn.<sup>104</sup> The court page (appointed by the judge for an indefinite term when needed) serves as messenger for the judge and clerk, and performs other minor duties assigned to him by the judge.<sup>105</sup>

The clerk of the circuit court, in person or by deputy, performs numerous duties for the circuit court. All new actions and proceedings of the circuit court are filed in the office of the clerk, and are numbered in consecutive order

---

<sup>99</sup> 2 Rev. Stat. 1852; Burns 4-322, 4-323; Baldwin 1411, 1412.

<sup>100</sup> 2 Rev. Stat. 1852; Burns 49-2501; Baldwin 5456. *Freed v. Martin* Circuit Court (1938), 214 Ind. 152, 14 N. E. (2d) 910; *State ex rel. Spencer v. Martin* Criminal Court (1938), 214 Ind. 551, 15 N. E. (2d) 1020. See the essay entitled "Prosecuting Attorney."

<sup>101</sup> Acts 1903, ch. 23, sec. 2. Acts 1925, ch. 218. Acts 1927; Burns 9-2212, 9-2213; Baldwin 2363, 2364.

<sup>102</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1120; Baldwin, 1937 suppl., 14078-21. See the essay entitled "County Department of Public Welfare."

<sup>103</sup> Acts 1881 (Spec. Sess.), ch. 89. Acts 1899, 1927; Burns 4-3501 to 4-3511; Baldwin 1288 to 1292, 1298, 1298-1, 1776, 1297-1, 1293, 1300. *Adams v. State* (1936), 214 Ind. 603, 17 N. E. (2d) 84.

<sup>104</sup> Acts 1881 (Spec. Sess.), 1899, 1913; Burns 4-3301, 4-3306; Baldwin 1266, 1270. Acts 1881 (Spec. Sess.), 1939; Burns, 1939 suppl., 4-3504; Baldwin, 1939 suppl., 1267. *Crickmore v. State* (1938), 213 Ind. 586, 12 N. E. (2d) 266; *Johnson v. State* (1938), 213 Ind. 659, 14 N. E. (2d) 96; *Foreman v. State* (1938), 214 Ind. 79, 14 N. E. (2d) 546.

<sup>105</sup> *Dunn v. State ex rel. Corydon* (1933), 204 Ind. 390, 164 N. E. 535. *Opinions of the Attorney General of Indiana, 1939*, p. 312.

as filed.<sup>106</sup> He is charged by statute with the duty of keeping and preserving the official records of the court.<sup>107</sup>

The clerk files pleadings and other court papers and endorses thereon the time of such filing;<sup>108</sup> issues summonses,<sup>109</sup> notices for service by publication,<sup>110</sup> attachment writs,<sup>111</sup> garnishment writs,<sup>112</sup> replevin writs,<sup>113</sup> ejectment writs,<sup>114</sup> habeas corpus writs,<sup>115</sup> warrants,<sup>116</sup> commitments,<sup>117</sup> executions,<sup>118</sup> witness subpoenas,<sup>119</sup> letters of guardianship,<sup>120</sup> letters testamentary, and letters of administration;<sup>121</sup> takes

<sup>106</sup> Acts 1881 (Spec. Sess.); Burns 2-1053; Baldwin 158. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

<sup>107</sup> 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

<sup>108</sup> Acts 1816-17, ch. 2, sec. 12; ch. 4, sec. 28; ch. 5, secs. 1, 2, 18. Acts 1817-18 (general), ch. 4, sec. 17. Rev. Laws 1824, ch. 73, secs. 1, 7, 15, 27; ch. 74, secs. 1, 18-21, 33, 41; ch. 79, secs. 8, 33. Rev. Stat. 1843, ch. 38, sec. 49. Acts 1881 (Spec. Sess.); Burns 2-802, 2-1641; Baldwin 83, 288. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

Indictment. Acts 1881 (Spec. Sess.), ch. 36, sec. 99. Acts 1905; Burns 9-904; Baldwin 2126.

<sup>109</sup> Acts 1816-17, ch. 2, sec. 8; ch. 4, sec. 5. Acts 1817-18 (general), ch. 60, sec. 3; ch. 61, sec. 3. Rev. Laws 1824, ch. 24, sec. 7; ch. 73, secs. 1, 2, 10, 22; ch. 74, secs. 2, 3, 9-11, 24. Acts 1881 (Spec. Sess.); Burns 2-802; Baldwin 83.

Summonses in criminal cases. Acts 1905, 1937; Burns, 1939 suppl., 9-1001; Baldwin, 1937 suppl., 2134. Acts 1905; Burns 9-1013; Baldwin 2138.

<sup>110</sup> Rev. Laws 1824, ch. 73, sec. 3. Acts 1881 (Spec. Sess.), 1885, 1935; Burns, 1939 suppl., 2-807; Baldwin, 1935 suppl., 88.

<sup>111</sup> Rev. Laws 1831, ch. 6, sec. 1. Acts 1881 (Spec. Sess.); Burns 3-509; Baldwin 777.

<sup>112</sup> Acts 1881 (Spec. Sess.), 1897; Burns 3-522; Baldwin 791.

<sup>113</sup> Acts 1881 (Spec. Sess.); Burns 3-2703, 3-2704; Baldwin 1200, 1201.

<sup>114</sup> Acts 1927; Burns 3-1305; Baldwin 945.

<sup>115</sup> Acts 1881 (Spec. Sess.); Burns 3-1909; Baldwin 1044.

<sup>116</sup> Acts 1905, 1937; Burns, 1939 suppl., 9-1001; Baldwin, 1937 suppl., 2134. Acts 1905; Burns 9-1003, 9-2237; Baldwin 2136, 2347.

<sup>117</sup> Acts 1905, 1939; Burns, 1939 suppl., 9-725; Baldwin, 1939 suppl., 2094. Acts 1905, 1927; Burns 9-2228; Baldwin 2335.

<sup>118</sup> Acts 1816-17, ch. 4, sec. 36; ch. 5, sec. 22. Acts 1817-18 (general), ch. 3, sec. 63; ch. 66, sec. 1. Rev. Laws 1824, ch. 10, sec. 1; ch. 74, sec. 55. Acts 1881 (Spec. Sess.); Burns 2-3301 to 2-3314; Baldwin 523, 526, 525, 527, 521, 522, 531, 532, 427, 528 to 530, 535, 524. Acts 1905; Burns 9-2226; Baldwin 2332.

<sup>119</sup> Acts 1816-17, ch. 4, sec. 12. Rev. Laws 1824, ch. 74, sec. 16. Acts 1881 (Spec. Sess.); Burns 2-1701; Baldwin 289.

<sup>120</sup> 2 Rev. Stat. 1852; Burns 6-101; Baldwin 3418. State *ex rel.* Cecil v. Christian (1895), 13 Ind. App. 308, 41 N. E. 603.

<sup>121</sup> Acts 1817-18 (general), ch. 13, secs. 1, 2. Rev. Laws 1824, ch. 79, sec. 4. Acts 1881 (Spec. Sess.), 1901; Burns 6-201, 6-301; Baldwin 3025, 3030.

depositions of witnesses;<sup>122</sup> approves and files judicial bonds,<sup>123</sup> including bonds of executors, administrators,<sup>124</sup> and guardians;<sup>125</sup> administers and files the official oaths of executors, administrators,<sup>126</sup> and guardians;<sup>127</sup> performs the statutory and customary duties of clerk at trials;<sup>128</sup> keeps dockets, order books, judgment records, final record books,<sup>129</sup> inheritance tax records,<sup>130</sup> receivership records,<sup>131</sup> guardianship records,<sup>132</sup> records concerning the administration of decedents' estates,<sup>133</sup> and records of redemptions from judicial sales;<sup>134</sup> he files and records orders, judgments,<sup>135</sup>

<sup>122</sup> Acts 1881 (Spec. Sess.); Burns 2-1501; Baldwin 211.

<sup>123</sup> Acts 1816-17, ch. 4, sec. 36; ch. 5, sec. 18. Acts 1817-18 (general), ch. 13, sec. 19. Rev. Laws 1824, ch. 5, sec. 24; ch. 74, sec. 13; ch. 79, sec. 2. Rev. Laws 1831, ch. 6, secs. 1, 26. Acts 1881 (Spec. Sess.); Burns 2-3209, 2-3402, 3-303, 3-508, 3-519, 6-501, 6-1506, 6-2001; Baldwin 484, 538, 726, 776, 788, 3048, 3229, 3277. 2 Rev. Stat. 1852; Burns 7-502; Baldwin 3396. 2 Rev. Stat. 1852, Acts 1857, 1881 (Spec. Sess.); Burns 8-104; Baldwin 3421.

Releasing cost bond. *Opinions of the Attorney General of Indiana, 1939*, p. 9.

<sup>124</sup> Acts 1881 (Spec. Sess.); 1939; Burns, 1939 suppl., 6-501, 6-1128; Baldwin, 1939 suppl., 3048, 3169. Acts 1881 (Spec. Sess.); Burns 6-502, 6-804; Baldwin 3049, 3085.

<sup>125</sup> 2 Rev. Stat. 1852, Acts 1857, 1881 (Spec. Sess.); Burns 8-104; Baldwin 3421. 2 Rev. Stat. 1852, Acts 1895; Burns 8-204; Baldwin 3461. Acts 1867; Burns 8-402; Baldwin 3477.

<sup>126</sup> Acts 1881 (Spec. Sess.), 1939; Burns, 1939 suppl., 6-501; Baldwin, 1939 suppl., 3048.

<sup>127</sup> 2 Rev. Stat. 1852, Acts 1857, 1881 (Spec. Sess.); Burns 8-104; Baldwin 3421. 2 Rev. Stat. 1852, Acts 1895; Burns 8-204; Baldwin 3461. Acts 1867; Burns 8-402; Baldwin 3477.

<sup>128</sup> Acts 1816-17, ch. 3, sec. 3. Rev. Laws 1824, ch. 10, sec. 1. Rev. Laws 1831, ch. 15, sec. 1. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

<sup>129</sup> Acts 1816-17, ch. 2, sec. 12; ch. 4, secs. 1, 11, 12, 28, 32. Acts 1817-18 (general), ch. 3, sec. 11. Rev. Laws 1824, ch. 73, sec. 15; ch. 74, secs. 15, 33, 55. Rev. Stat. 1843, ch. 38, secs. 48, 51; ch. 40, secs. 189, 367, 487. 2 Rev. Stat. 1852, pt. 2, ch. 1, sec. 358. Acts 1881 (Spec. Sess.); 1929; Burns 2-1103, 2-2520, 2-3314; Baldwin 179, 392, 524. 2 Rev. Stat. 1852, Acts 1885 (Spec. Sess.), 1933; Burns 4-324; Baldwin 1413. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

Docketing appeals. Acts 1881 (Spec. Sess.); Burns 2-3226; Baldwin 500.

<sup>130</sup> Acts 1913, ch. 47, secs. 17, 18. Acts 1931, 1933, 1937; Burns, 1939 suppl., 6-2407; Baldwin, 1937 suppl., 15945.

<sup>131</sup> Acts 1911; Burns 3-2607; Baldwin 1147.

<sup>132</sup> Acts 1846-47 (general), ch. 54, sec. 1. Acts 1881 (Spec. Sess.), 1883; Burns 6-2205, 6-2206; Baldwin 3014, 3288. Acts 1889; Burns 8-137; Baldwin 3424.

<sup>133</sup> Acts 1817-18 (general), ch. 13, secs. 1, 2. Rev. Laws 1824, ch. 79, secs. 8, 38. Acts 1891, ch. 194, sec. 114. Acts 1909, ch. 10, sec. 1. Acts 1881 (Spec. Sess.), 1883; Burns 6-2205, 6-2206; Baldwin 3014, 3288.

<sup>134</sup> Acts 1879, ch. 79, sec. 7. Acts 1881 (Spec. Sess.); Burns 2-4001; Baldwin 624.

<sup>135</sup> Acts 1816-17, ch. 5, sec. 22. Acts 1817-18 (general), ch. 3, sec. 63; ch. 66, sec. 5. Rev. Laws 1824, ch. 40, sec. 13. Acts 1825, ch. 8, sec. 1. Rev. Stat. 1843, ch. 38, sec. 40. Acts 1893; Burns 2-822; Baldwin 103. Acts 1881 (Spec. Sess.), 1929; Burns 2-2520, 2-2706; Baldwin 392, 421. Acts 1915; Burns 3-1410; Baldwin 568. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

indictments,<sup>136</sup> recognizances,<sup>137</sup> notices of lis pendens,<sup>138</sup> probated wills,<sup>139</sup> inventories and accounts of trustees,<sup>140</sup> sheriff's certificates of sale of real estate,<sup>141</sup> and warrants issued by the state department of treasury for the collection of gross income taxes;<sup>142</sup> makes arrangements for the admission of feeble-minded persons to the Fort Wayne State School or the Muscatatuck Colony, after the judge has entered an order of commitment thereto;<sup>143</sup> files coroner's inquest papers, including recognizances, written evidence, verdict, and report;<sup>144</sup> receives money deposited in court pending the decision of the court;<sup>145</sup> receives payments on judgments of record in his office;<sup>146</sup> draws up each day's proceedings at full length in the proper order book (which is signed by the judge); enters in a final record book a complete record of causes finally determined;<sup>147</sup> prepares and certifies transcripts of

---

<sup>136</sup> 2 Rev. Stat. 1852, pt. 3, ch. 1, sec. 68 (repealed by Acts 1881 (Spec. Sess.), ch. 36, sec. 323). Acts 1881 (Spec. Sess.), ch. 36, sec. 99. Acts 1905; Burns 9-904; Baldwin 2126. *Neal v. State* (1938), 214 Ind. 328, 14 N. E. (2d) 590, 15 N. E. (2d) 950.

<sup>137</sup> Acts 1881 (Spec. Sess.); Burns 2-3402; Baldwin 538. Acts 1905, 1927, 1933; Burns 9-723, 9-1029, 9-1042; Baldwin 2092, 2163, 2175. 2 Rev. Stat. 1852; Burns 49-2907; Baldwin 5441.

<sup>138</sup> Acts 1877 (Spec. Sess.), ch. 24, secs. 1, 4. Acts 1881 (Spec. Sess.); Burns 2-813 to 821; Baldwin 94 to 96, 101, 102, 97 to 100. Acts 1893; Burns 2-822; Baldwin 103. Acts 1905; Burns 56-505; Baldwin 14708-1. *Pfeiffer Hardware Co. v. Auburn State Bank* (1937), 104 Ind. App. 472, 8 N. E. (2d) 398.

<sup>139</sup> Domestic probate. Acts 1817-18 (general), ch. 13, sec. 2. Acts 1881 (Spec. Sess.), 1883; Burns 6-2205; Baldwin 3014. 2 Rev. Stat. 1852; Burns 7-411; Baldwin 3385.

Foreign probate. 2 Rev. Stat. 1852; Burns 7-415 to 7-417; Baldwin 3389 to 3391.

<sup>140</sup> Acts 1937; Burns, 1939 suppl., 6-2514; Baldwin, 1937 suppl., 3221-14.

<sup>141</sup> These certificates and assignments thereof are recorded in the lis pendens record. Acts 1881 (Spec. Sess.); Burns 2-3909; Baldwin 622.

<sup>142</sup> These warrants are recorded in the judgment record. Acts 1933, 1937; Burns, 1939 suppl., 64-2613 (a); Baldwin, 1937 suppl., 15993(a). *Opinions of the Attorney General of Indiana, 1938*, p. 303.

<sup>143</sup> Acts 1939; Burns, 1939 suppl., 22-1742; Baldwin, 1939 suppl., 4227-2.

<sup>144</sup> 2 Rev. Stat. 1852, Acts 1879 (Spec. Sess.); Burns 49-2907 to 49-2909; Baldwin 5441 to 5443.

<sup>145</sup> Acts 1881 (Spec. Sess.); Burns 2-4711; Baldwin 1214. Acts 1905; Burns 2-4712, 9-1026; Baldwin 1213, 2160.

<sup>146</sup> Acts 1875; Burns 49-2719; Baldwin 1438.

<sup>147</sup> Acts 1816-17, ch. 3, sec. 3. Acts 1817-18 (general), ch. 3, secs. 62, 63; ch. 66, sec. 5. Rev. Laws 1824, ch. 10, sec. 1; ch. 74, 54. Rev. Stat. 1843, ch. 38, secs. 40, 52. 2 Rev. Stat. 1852, Acts 1885, 1933; Burns 4-324; Baldwin 1413. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.



proceedings for change of venue from the county<sup>148</sup> or for appeal to a higher court;<sup>149</sup> and prepares budget estimates for the circuit court.<sup>150</sup>

The clerk keeps the jury box containing names selected by the jury commissioners (the key thereto being kept by a jury commissioner), draws therefrom names of persons to serve on the grand jury and petit jury, records their names in the order book, and issues a venire to require such persons to appear in court.<sup>151</sup>

Under authority of the federal laws the clerk files naturalization declarations and certificates, keeps a record of naturalization proceedings, and makes reports thereof to the United States Immigration and Naturalization Service.<sup>152</sup> Formerly he issued certificates showing discharge of apprentices by the court.<sup>153</sup> From 1829 until 1853 he was ex officio clerk of the probate court (abolished in 1853),<sup>154</sup> and from 1853 until 1873 he was ex officio clerk of the court of common pleas (abolished in 1873).<sup>155</sup>

The state board of accounts has prescribed forms for the following records: Entry and issue docket and fee book; es-

<sup>148</sup> Acts 1818-19, ch. 3, sec. 4. Acts 1881 (Spec. Sess.), Burns 2-1406; Baldwin 191. Acts 1905; Burns 9-1305; Baldwin 2226.

Fees on change of venue, and record thereof. Acts 1913, ch. 256, sec. 2. Acts 1927; Burns 2-1421; Baldwin 203. *Opinions of the Attorney General of Indiana, 1934*, p. 128.

<sup>149</sup> Acts 1903, 1915; Burns 2-3104; Baldwin 462. Acts 1881 (Spec. Sess.), Burns 2-3105; Baldwin 455. Acts 1903, 1933; Burns 2-3112; Baldwin 466.

<sup>150</sup> Acts 1899; Burns 26-516; Baldwin 5380.

<sup>151</sup> Acts 1817-18 (general), ch. 48, secs. 2, 3. Rev. Laws 1824, ch. 56, secs. 1-3. Rev. Laws 1831, ch. 53, secs. 1, 2. Acts 1881 (Spec. Sess.), 1939; Burns, 1939 suppl., 4-3304; Baldwin, 1939 suppl., 1267. Acts 1881 (Spec. Sess.), 1895, 1913; Burns 4-3305, 4-3306; Baldwin 1272, 1270.

Failure to empty the jury box at beginning of year held not ground for reversal of manslaughter conviction. *Crickmore v. State* (1938), 213 Ind. 586, 12 N. E. (2d) 266.

Objection to irregularities in the selection, impaneling, or swearing of grand jury should be raised by plea in abatement. *Johnson v. State* (1938), 213 Ind. 659, 14 N. E. (2d) 96.

<sup>152</sup> U. S. C., title 8, secs. 357, 400 (laws of 1906, 1911, 1913). U. S. Executive Order (June 10, 1933) 6166, sec. 14. Acts 1933, 1937; Burns, 1939 suppl., 49-1007; Baldwin, 1937 suppl., 7537.

<sup>153</sup> Acts 1817-18 (general), ch. 51, sec. 2. Rev. Laws 1824, ch. 3, sec. 2. Rev. Laws 1831, ch. 4, sec. 2.

<sup>154</sup> Acts 1829-30, ch. 26, sec. 3. Rev. Laws 1831, ch. 25, sec. 7. 1 Rev. Stat. 1852, ch. 92, sec. 1. 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 43.

<sup>155</sup> 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 25, 26. Acts 1873; Burns 4-328; Baldwin 1417.

tate entry claim and allowance docket and fee book; guardianship docket and fee book; support docket; index and record of receiverships; and judgment docket.<sup>156</sup>

### CIVIL CAUSES

#### FILING OF ACTIONS

101. ENTRY DOCKET, ISSUE DOCKET AND FEE BOOK, 1913-. 42 vols. (one vol. not labeled, 2-4, one vol. not labeled, 6, 6-14, one vol. not labeled, 16-41).

Record of actions filed, causes set for trial and fees assessed in civil causes, showing cause number, date of filing, names of plaintiff, defendant and attorneys, nature of action, amount and nature of fees, and disposition. This is a combination of three records formerly kept separately: Entry Docket, entry 102; Issue Docket, entry 122; and Fee Book, entry 140. Arr. num. by cause nos. Indexed alph. by names of plaintiffs. Hdw. 475 pp. 18 x 12 x 2½. 6 vols., 1913-Apr. 1918, bsmt. stor. rm.; 34 vols., May 1918-June 1938, clk. rec. rm.; 2 vols., July 1938-, clk. off.

102. ENTRY DOCKET, 1855-57, 1863-87, 1894-1912. 16 vols. (two vols. not labeled, 2, 1, two vols. not labeled, 4, 7, 8, 3, 2-5, two vols. not labeled). 1913- in Entry Docket, Issue Docket and Fee Book, entry 101.

Record of filing of actions in civil causes, showing date of filing, names of plaintiff and defendant, cause number, and nature of action. Arr. num. by cause nos. No index. Hdw. 475 pp. 18 x 12 x 2½. 7 vols., 1855-57, 1863-80, 1899-1900, clk. rec. rm.; 9 vols., 1881-87, 1894-98, 1901-12, bsmt. stor. rm.

#### ORIGINAL DOCUMENTS

103. [CIVIL AND CRIMINAL CAUSES], 1820-. 798 f. b.

Original instruments filed in civil and criminal causes, including: complaints, summonses, subpoenas, answers, denials, motions, notices, and appearance and recognizance bonds, showing dates of instrument, filing and sheriff's return, number and nature of cause, names of plaintiff, defendant, attorneys and witnesses, court proceedings, and disposition. Also contains: Court Instructions, Civil Causes, 1820-1916, entry 106; Court Instructions, Criminal, 1820-1916, entry

---

<sup>156</sup> Acts 1909; Burns 60-202; Baldwin 13855. Interview of May 18, 1939 with E. P. Brennan, state examiner.

144. Arr. num. by cause nos. 1820-69, no index; for indexes, 1870-, see entries 104, 105, 145. Hdw. and typed. 10 x 4 x 15. 582 f. b., 1820-1930, clk. rec. rm.; 216 f. b., 1931-, clk. off.

104. GENERAL INDEX OF CIRCUIT COURT CIVIL [and Criminal], 1901-. 3 vols. (2-4).

Index to [Civil and Criminal Causes], entry 103, showing date of court term, cause number, names of plaintiff and defendant, file box reference, and volume and page reference to Civil Order Book, entry 123; Judgment Docket, entry 125; Execution Docket, entry 129. This is a combination of two records formerly kept separately: General Index of Circuit Court, Civil, entry 105; General Index, Criminal, entry 145. Arr. alph. by names of plaintiffs and defendants. Hdw. 800 pp. 18 x 12 x 3. 1 vol., 1901-20, attic stor. rm.; 1 vol., 1921-34, clk. rec. rm.; 1 vol., 1935-, clk. off.

105. GENERAL INDEX OF CIRCUIT COURT CIVIL, 1870-1900. 1 vol. (1). 1901- in General Index of Circuit Court Civil [and Criminal], entry 104.

Index to civil causes in [Civil and Criminal Causes], entry 103, showing date of court term, cause number, names of plaintiff and defendant, file box reference, and volume and page reference to Civil Order Book, entry 123; Judgment Docket, entry 125; Execution Docket, entry 129. Arr. alph. by names of plaintiffs. Hdw. 800 pp. 18 x 12 x 3½. Clk. rec. rm.

106. COURT INSTRUCTIONS, CIVIL CAUSES, 1917-. 4 f. b. (A-G, H-O, P-S, T-Z). 1820-1916 in [Civil and Criminal Causes], entry 103.

Instructions by judge to juries, showing dates of instruction and filing, cause number, names of plaintiff and defendant, and nature of instructions. Arr. alph. by names of plaintiffs. No index. Hdw. 10 x 4 x 15. Clk. off.

107. CIVIL CASES PENDING, 1935-. 36 pigeon holes.

Original instruments filed in civil causes, including: Complaints, summonses, subpoenas and notices, showing number and nature of cause, dates of instrument and filing, names of plaintiff, defendant and attorneys, and court proceedings. Arr. alph. by names of plaintiffs. No index. Hdw. and typed. 4 x 4 x 12. Clk. off.

CORONER'S INQUESTS (see also entry 209)

108. INQUEST RECORD, 1895-. 3 vols. (1-3).

Record of inquests in accidental, violent or sudden deaths, showing dates of death and inquest, name, address and de-

scription of deceased, names and statements of witnesses, and coroner's verdict. Arr. chron. by dates of inquests. Indexed alph. by names of deceased. 1895-June 1933, hdw.; July 1933-, typed. 400 pp. 18 x 12 x 1. 2 vols., 1895-April 1927, July 1933-, clk. rec. rm.; 1 vol., May 1927-June 1933, bsmt. stor. rm.

109. CORONER'S INQUESTS, 1904-. 4 f. b.

Original inquests in accidental, violent and sudden deaths, showing same information as in entry 108. Arr. chron. by dates of inquests. No index. Hdw. and typed. 10 x 5 x 14. Clk. rec. rm.

INSANITY (see also entry 276)

110. INSANITY, 1870-. 6 f. b.

Record of inquests as to insanity, showing date of petition, names and addresses of petitioner and patient, personal, insanity and family history of patient, statements of attending and examining physicians, and judge's order for commitment. Arr. chron. by dates of inquests. No index. Hdw. and typed. 10 x 5 x 14. Clk. rec. rm.

111. INSANE RECORD, 1882-. 8 vols.

Record of inquests and proceedings in insanity causes, showing cause number, date of inquest, names of patient, physicians and witnesses, statement of examining physicians, orders for arrest and commitment, and sheriff's return. Also contains: Insane Record Re-commitments, 1914-, entry 112. Arr. chron. by dates of inquests. Indexed alph. by names of patients. Hdw. 500 pp. 18 x 12 x 2½. 5 vols., 1882-May 1927, bsmt. stor. rm.; 3 vols., June 1927-, clk. rec. rm.

112. INSANE RECORD RE-COMMITMENTS, 1882-1913. 1 vol. 1914- in Insane Record, entry 111.

Record of proceedings to recommit insane persons to state institutions, showing cause number, dates of order and recommitment, and name, age and sex of patient. Arr. chron. by dates of orders. Indexed alph. by names of patients. Hdw. 500 pp. 18 x 12 x 2½. Bsmt. stor. rm.

RILEY HOSPITAL, FEEBLE-MINDEDNESS AND EPILEPSY

113. RILEY HOSPITAL, FEEBLE-MINDED, EPILEPTIC, 1925-. 2 f. b.

Documents pertaining to Riley Hospital, feeble-mindedness and epilepsy, including:

- i. Applications for admittance to Riley Hospital, examining physician's reports and orders for



admittance, showing dates of application, physician's reports, order and filing, name, age, sex and address of patient, names and addresses of parents, name of physician, nature of illness or deformity, and case history of patient and parents.

- ii. Record of inquests as to feeble-mindedness, showing dates of petition and filing, names and addresses of petitioner and patient, personal description and history of patient, nature of development, birth and disease of patient, school history, performance ability, social and moral reactions, family history, attending physician's report, certificates of medical examiners, and judge's order for commitment.

For other records of feeble-mindedness, see entry 276.

- iii. Record of inquests as to epilepsy, showing dates of petition and filing, names and addresses of petitioner and patient, family, personal and epilepsy history of patient, attending physician's certificate of examination, statements of medical examiners, and judge's order for commitment.

Arr. chron. by dates of filing. No index. Hdw. 10 x 5 x 14. Clk. rec. rm.

#### NATURALIZATION

114. RECORD OF DECLARATION OF INTENTION, 1854-. 5 vols. Record of declarations of intention of aliens to become naturalized citizens of U. S., showing date of declaration and filing, name and address of court, name, address, occupation, sex, age, race, nationality, date and place of birth, marital status, physical description and last foreign residence of alien, name, place and date of birth of alien's wife, dates and places of birth and residences of children, name of vessel, and declaration, court serial and certificate of arrival numbers. Arr. chron. by dates of filing. Indexed alph. by names of aliens. 1854-1926, hdw.; 1927-, typed. 200 pp. 11 x 9 x 1. Clk. rec. rm.

- 115. PETITION AND RECORD, 1904-5, 1908-. 4 vols. Title varies: Naturalization Record, Final Papers, 1904-5, 1 vol.

Record of petitions of aliens for naturalization, affidavits of witnesses and oaths of allegiance, showing date of peti-

tion and filing, name of court, name, sex, age, address, occupation, dates and places of birth and marriage, race and marital status of alien, names, addresses and dates and places of birth of children, last foreign residence, ports of sailing and entry, date of arrival, name of vessel, length of residence in U. S., affidavits of witnesses and alien, oath of allegiance to U. S. and renunciation of foreign allegiance, petition and certificate of arrival numbers, and court order granting citizenship. Arr. chron. by dates of petitions. Indexed alph. by names of aliens. 1904-5, 1908-Sept. 1930, hdw.; Oct. 1930-, typed. 200 pp. 11 x 9 x 1. Clk. rec. rm.

116. NATURALIZATION PAPERS, 1862-1911. 1 f. b. Discontinued.

Original petitions of aliens for naturalization, showing dates of petition and filing, name, age, sex, address, native land and marital status of petitioner, names, addresses, dates and places of birth of children, last foreign address, ports of sailing and entry, name of vessel, length of residence in U. S., and petition and certificate of arrival numbers. Arr. chron. by dates of filing. No index. Hdw. 10 x 4 x 15. Clk. rec. rm.

117. [PETITIONS GRANTED], 1930-. 1 vol.

List of citizenship petitions granted, showing dates of petition and granting, list and petition numbers, name and address of petitioner, and name of county. Arr. num. by list nos. No index. Typed. 40 pp. 10 x 8 x  $\frac{1}{4}$ . Clk. rec. rm.

#### RECEIVERSHIPS

118. ASSIGNEE BOOK, 1875-. 1 vol. (1).

Record of actions and proceedings in receivership causes, showing cause and claim numbers, date of filing, names of receiver, claimant, petitioners, assignor and assignee, and location, description and valuation of property. Arr. chron. by dates of filing. Indexed alph. by names of assignors. Hdw. 540 pp. 18 x 12 x 3. Clk. rec. rm.

119. RECORD OF RECEIVERSHIP, 1912-. 1 vol. (1).

Record of proceedings in receivership causes, showing date of filing, cause number, names of stockholders and company, amount of stock owned by each stockholder, receivers' inventory, itemized list of assets and liabilities, court proceedings, and disposition. Arr. chron. by dates of filing. Indexed alph. by names of companies. Hdw. 592 pp. 18 x 12 x 12. Clk. rec. rm.

## MINUTES

120. COURT DOCKET [Civil], 1841-57, 1868-89, 1891-. 52 vols. (one vol. not labeled, 3, 1-6, 6, 8, 10-12, 14, 16, 18-29, and fifteen vols. not labeled).

Record of actions and proceedings in civil causes, showing nature and number of cause, dates of filing and action, names of plaintiff, defendant, attorneys and witnesses, and court action. Also contains: Court Docket [Criminal], 1841-57, 1868-89, 1891-94, entry 150; Court Docket, Probate of Estates, 1841-57, 1868-74, entry 172; Court Docket of Guardianships, 1841-57, 1868-74, entry 173. Arr. num. by cause nos. No index. Hdw. 600 pp. 16 x 12 x 4. 46 vols., 1841-57, 1868-89, Nov. 1892-Apr. 1893, Feb.-Nov. 1894, 1898-Feb. 1903, July 1904-1905. May 1915-. clk. rec. rm.; 6 vols., 1891-Oct. 1892, May 1893-Jan. 1894, Dec. 1894-97, Mar. 1903-June 1904, 1906-Apr. 1915, bsmt. stor. rm.

121. BAR DOCKET, 1866-1917, 1930-31. 20 vols. Discontinued.

Record of actions and proceedings in civil, criminal and probate causes, showing nature and number of cause, dates of filing, proceedings and term of court, and names of plaintiff, defendant and attorneys. Arr. chron. by dates of filing. No index. Hdw. 244 pp. 15 x 10 x  $\frac{3}{4}$ . 12 vols., 1866-99, I. U. libr. bsmt.; 8 vols., 1900-1917, 1930-31, clk. rec. rm.

122. ISSUE DOCKET, 1850-87, 1891-May 27, 1897. 16 vols. (1-5, eleven vols. not labeled). Title varies: Cash Book, 1891-May 27, 1897, 1 vol. 1913- in Entry Docket, Issue Docket and Fee Book, entry 101.

Record of causes set for trial, showing date of filing, nature and number of cause, names of plaintiff, defendant and attorneys, and sheriff's return. Arr. num. by cause nos. No index. Hdw. 538 pp. 18 x 12 x 3. Clk. rec. rm.

## ORDERS

123. CIVIL ORDER BOOK, 1818-. 87 vols. (1, 1-11, A-Z, K-Z, A1-A33).

Record of actions and proceedings in civil and criminal causes, showing nature and number of cause, dates of action and court term, names of plaintiff and defendant, and court decrees. Arr. chron. by dates of actions. Indexed alph. by names of plaintiffs. 1818-July 14, 1904, hdw.; July 15, 1904-, typed. 592 pp. 18 x 12 x  $2\frac{3}{4}$ . 86 vols., 1818-Feb. 1937, clk. rec. rm.; 1 vol., Mar. 1937-, clk. off.

## 124. ORDER BOOK, 1853-73. 8 vols. (1-8).

Record of actions and proceedings in civil and criminal causes in common pleas court, showing same information as in entry 123. Arr. chron. by dates of actions. Indexed alph. by names of plaintiffs. Hdw. 568 pp. 18 x 12 x 3. Clk. rec. rm.

## JUDGMENTS

## 125. JUDGMENT DOCKET, 1844-. 16 vols. (1-16).

Record of judgments rendered in civil and criminal causes, showing nature and number of cause, dates of judgment and satisfaction, names of plaintiff, defendant and judgment debtor, amounts of judgment and costs, and sheriff's return. Arr. num. by cause nos. Indexed alph. by names of judgment debtors. Hdw. 586 pp. 18 x 12 x 2. 11 vols., 1844-1923, bsmt. stor. rm.; 5 vols., 1924-, clk. rec. rm.

## 126. JUDGMENT DOCKET, 1853-72. 3 vols. (1-3).

Record of judgments rendered in civil and criminal causes in common pleas court, showing nature and number of cause, dates of judgment and satisfaction, names of plaintiff, defendant and judgment debtor, amounts of judgment and costs, sheriff's return, and volume and page reference to Order Book, entry 124. Arr. chron. by dates of judgments. Indexed alph. by names of judgment debtors. Hdw. 400 pp. 18 x 12 x 2. 1 vol., 1853-62, attic stor. rm.; 2 vols., 1863-72, bsmt. stor. rm.

## EXECUTIONS (see also, entry 199)

## 127. TRANSCRIPTS JUSTICE OF PEACE FOREIGN, 1859-. 7 f. b.

Transcripts of judgments rendered in justice of the peace courts and transferred to circuit court for execution, showing dates of judgment and execution, names of plaintiff, defendant and court, cause number, and amounts of judgment and costs. Arr. chron. by dates of execution. No index. Hdw. 10 x 4 x 15. Clk. rec. rm.

## 128. PRAECIPE FOR EXECUTION, 1894-. 8 vols.

Record of orders issued by plaintiffs or attorneys to clerk to prepare or issue to sheriff writs for execution of court decrees or to prepare transcripts for appeals to other courts, showing date of order, cause number, names of plaintiff, defendant and attorneys, kind of writ, and amount of judgment and costs. Arr. chron. by dates of orders. No index. Hdw. 150 pp. 13½ x 8 x 1. Clk. rec. rm.

## 129. EXECUTION DOCKET, 1820-. 15 vols. (A, 1-14).

Record of executions for satisfaction of judgments, showing cause number, names of plaintiff and defendant, dates of



judgment, execution and sheriff's return, location and description of property, amounts of judgment, interest and costs, and volume and page reference to Civil Order Book, entry 123. Also contains: Execution Docket [Order of Sale], 1936-, entry 132. Arr. chron. by dates of executions. Indexed alph. by names of plaintiffs; for separate index, 1895-1911, see entry 130. Hdw. 500 pp. 18 x 12 x 2½. 12 vols. 1820-1924, bsmt. stor. rm.; 3 vols., 1925-, clk. rec. rm.

130. GENERAL INDEX OF EXECUTIONS, 1895-1911. 1 vol.

(1). Discontinued.

Partial index to Execution Docket, entry 129 and Executions, entry 131, showing date of sheriff's return, names of plaintiff and defendant, volume and page reference to recording, and file box reference. Arr. alph. by names of plaintiffs. Hdw. 600 pp. 18 x 12 x 3. Clk. rec. rm.

131. EXECUTIONS, 1864-. 17 f. b.

Writs issued by clerk to sheriff to attach or levy on property to satisfy judgments, showing same information as in entry 129. Arr. chron. by dates of writs. 1864-94, 1912-, no index; for index 1895-1911, see entry 130. Hdw. and typed. 10 x 4 x 15. 16 f. b., 1864-1935, clk. rec. rm.; 1 f. b., 1936-, clk. off.

132. EXECUTION DOCKET, [Order of Sale], 1895-1935. 2 vols. (6, 11). 1936- in Execution Docket, entry 129.

Transcripts of orders for sale of property to satisfy judgments, showing cause number, dates of judgment, order and sale, names of plaintiff, defendant and purchaser, location and description of property, amounts of judgment, interest, costs and sale, and sheriff's return. Arr. chron. by dates of orders. Indexed alph. by names of plaintiffs and defendants. Hdw. 500 pp. 18 x 12 x 2½. 1 vol., 1895-1916, bsmt. stor. rm.; 1 vol., 1917-35, clk. rec. rm.

133. EXECUTION DOCKET, COMMON PLEAS, 1853-73. 2 vols. (1, 2).

Record of executions for satisfaction of judgments, showing cause number, names of plaintiff and defendant, dates of judgment, execution and sheriff's return, location and description of property, amounts of judgment, interest and costs, and volume and page reference to Order Book, entry 124. Arr. chron. by dates of executions. Indexed alph. by names of plaintiffs. Hdw. 500 pp. 18 x 12 x 2½. Bsmt. stor. rm.

134. LIS PENDENS COMPLAINTS, 1877-. 2 vols. (1, 2). Record of complaints and notices in lis pendens actions, including:

- i. Complaints filed against owners of property subject to levy for satisfaction of judgments, showing cause number, date of filing, names of plaintiff, defendant and attorneys, nature of complaint, and location and description of property.
- ii. Sheriff's notices of attachment of property to satisfy judgments, showing cause number, dates of notice and filing, names of plaintiff and defendant, and location and description of property.

Arr. chron. by dates of complaints. Indexed alph. by names of plaintiffs and defendants. 1877-1932, hdw.; 1933-, typed. 540 pp. 18 x 12 x 3. Clk. rec. rm.

135. LIS PENDENS, SHERIFF'S CERTIFICATE OF SALE, 1881-. 3 vols. (one vol. not labeled, 2, 3).

Record of certificates issued to purchasers of property sold to satisfy judgments, showing cause number, dates of judgment, sale and certificate, amounts of judgment, sale and costs, names of plaintiff, defendant and purchaser, and location and description of property. Arr. chron. by dates of certificates. Indexed alph. by names of purchasers. 1881-May 1932, hdw.; June 1932-, typed. 1 vol., 1881-1907, bsmt. stor. rm.; 2 vols., 1908-, clk. rec. rm.

136. REDEMPTION RECORD, STATEMENTS AND AFFIDAVITS, 1879-. 2 vols. (1, one vol. not labeled).

Record of statements and affidavits of right to redeem property sold to satisfy judgments, showing dates of statement and affidavit, names of plaintiff, defendant and redeemer, and location and description of property. Arr. chron. by dates of affidavits. Indexed alph. by names of plaintiffs. Hdw. 600 pp. 16 x 12 x 2. 1 vol., 1879-May 1932, bsmt. stor. rm.; 1 vol., June 1932-, clk. off.

137. REDEMPTION RECORD, 1879-. 4 vols. (1-4).

Record of redemptions of property sold to satisfy judgments, showing cause number, dates of sale and redemption, names of plaintiff, defendant and purchaser, location and description of property, amount of consideration, and volume and page reference to Lis Pendens, Sheriff's Certificate of Sale, entry 135. Arr. chron. by dates of redemptions. Indexed alph. by names of plaintiffs. Hdw. 572 pp. 16 x 12 x 2. 2 vols., 1879-1921, bsmt. stor. rm.; 2 vols.; 1922-, clk. rec. rm.

## COMPLETE TRANSCRIPTS

138. FINAL RECORD, 1843-59, 1886-90, Oct.-Dec. 1895.  
4 vols. (B, C, E, 1).

Complete transcripts of civil causes involving title to real property, showing number and nature of cause, date of trial, names of plaintiff, defendant, attorneys and witnesses, and amounts of fees, costs and judgment. Arr. chron. by dates of trials. No index. Hdw. 475 pp. 16 x 12 x 2. Clk. rec. rm.

## FEE AND CASH RECORDS

139. SUPPORT DOCKET, 1909-. 4 vols. (1-4).

Record of money received and disbursed for support and alimony payments, showing cause number, names of payer and payee, and dates and amounts of receipts and disbursements. Arr. chron. by dates of receipts and disbursements. Indexed alph. by names of payees. Hdw. 460 pp. 16 x 11 x 2. 1 vol., 1909-25, bsmt. stor. rm.; 2 vols., 1926-35, clk. rec. rm.; 1 vol., 1936-, clk. off.

140. FEE BOOK, 1844-1912. 28 vols. (4, 1-8, 10-15, one vol. not labeled, 17-28). 1913- in Entry Docket, Issue Docket and Fee Book, entry 101.

Record of fees assessed in civil causes, showing nature and number of cause, dates of payment and term of court, names of plaintiff and defendant, and amount of fees. Also contains: Fee Book, Criminal, 1844-Feb. 1895, entry 142. Arr. chron. by dates of court terms. Indexed alph. by names of plaintiffs. Hdw. 592 pp. 18 x 12 x 3. Clk. rec. rm.

141. FEE BOOK, 1853-73. 6 vols. (1-6).

Record of fees assessed in civil and criminal causes in common pleas court, showing cause number, dates of payment and term of court, name of payer, and amount of fees. Arr. chron. by dates of court terms. Indexed alph. by names of payers. Hdw. 584 pp. 19 x 8 x 2. Clk. rec. rm.

## CRIMINAL CAUSES

(See also entries 103, 104, 120-126, 140, 141)

## FILING OF ACTIONS

142. FEE BOOK CRIMINAL, Mar. 1895-. 9 vols. (1-9).  
Title varies: Fee Book, State Cases, Mar. 1895-  
Sept. 1900, 1 vol. Criminal fees, 1844-Feb. 1895  
in Fee Book, entry 140.

Record of filing of actions and fees assessed in criminal causes, showing cause number, date of filing, names of

plaintiff, defendant and witnesses, nature of action, and nature and amount of fees. Arr. num. by cause nos. Indexed alph. by names of defendants. 590 pp. 18 x 12 x 3. 5 vols., Mar. 1895-Oct. 1919, bsmt. stor. rm.; 3 vols., Nov. 1919-34, clk. rec. rm.; 1 vol., 1935-, clk. off.

#### ORIGINAL DOCUMENTS

143. CRIMINAL CASES PENDING, 1933-. 6 pigeon holes. Original instruments filed in criminal causes, including: Affidavits, indictments, motions, notices of appeal, recognizance bonds, and orders of court, showing dates of instrument and filing, nature and number of cause, names of defendant, attorneys and witnesses, and court proceedings. Arr. alph. by names of defendants. No index. Hdw. and typed. 4 x 4 x 12. Clk. off.

144. COURT INSTRUCTIONS, CRIMINAL, 1917-. 3 f. b. (A-G, H-O, P-Z). 1820-1916 in [Civil and Criminal Causes], entry 103.

Instructions by judges to juries in criminal causes, showing dates of instruction and filing, cause number, name of defendant, and nature of instructions. Arr. alph. by names of defendants. No index. Hdw. 10 x 4 x 15. Clk. off.

145. GENERAL INDEX CRIMINAL, 1870-1900. 1 vol. 1901- in General Index of Circuit Court Civil [and Criminal], entry 104.

Index to criminal causes in [Civil and Criminal Causes], entry 103, showing date of court term, cause number, names of plaintiff and defendant, file box reference, and volume and page reference to Civil Order Book, entry 123. Arr. alph. by names of defendants. Hdw. 600 pp. 18 x 12 x 3. Bsmt. stor. rm.

#### AFFIDAVITS AND INDICTMENTS

146. RECORD OF AFFIDAVITS FOR PROSECUTION, 1897-. 8 vols. (1, 2, 1-6). Title varies: Record of Affidavits and Information, 1897-Feb. 1906, 2 vols.

Record of criminal affidavits, showing date of affidavit, number and nature of charge, and names of defendant, attorneys and affiant. Arr. chron. by dates of affidavits. Indexed alph. by names of defendants. Hdw. 456 pp. 16 x 12 x 2. 6 vols., 1897-Feb. 1928, bsmt. stor. rm.; 2 vols., Mar. 1928-, clk. rec. rm.



147. INDICTMENT RECORD, 1853-. 9 vols. (F, 1, two vols. not labeled, 3-7). Title varies: Order Book, Indictment Record, 1853-Nov. 1869, 1 vol.

Record of indictments returned by grand juries, showing nature and number of cause, date of indictment, and names of defendant and state's witnesses. Arr. chron. by dates of indictments. Indexed alph. by names of defendants. Hdw. 592 pp. 18 x 12 x 3. 7 vols., 1853-85, 1897-1920, bsmt. stor. rm.; 2 vols., 1886-96, 1921-, clk. rec. rm.

#### BONDS

148. RECORD OF RECOGNIZANCE BONDS, 1881-. 6 vols. (two vols. not labeled, 1-4). Title varies: Appeal Bond Record, 1884-Jan. 1909, 1 vol.

Record of bonds posted to assure defendant's appearance in court, showing dates of bond and appearance, amount and conditions of bond, and names of defendant and sureties. Arr. chron. by dates of bonds. Indexed alph. by names of defendants. Hdw. 500 pp. 16 x 10 x 2½. 3 vols., 1881-83, Aug. 1927-, clk. rec. rm.; 3 vols., 1884-July 1927, bsmt. stor. rm.

For original bonds, see entry 149.

149. RECOGNIZANCE BOND, 1911-. 2 f. b.

Bonds posted to assure appearances of defendants in criminal causes, showing same information as in entry 148. Arr. chron. by dates of bonds. No index. Hdw. 10 x 4 x 15. 1 f. b., 1911-33, clk. rec. rm.; 1 f. b., 1934-, clk. off.

For other recognizance bonds, see entries 143, 204.

#### MINUTES

150. COURT DOCKET [Criminal], 1895-. 11 vols. (one vol. not labeled, 2-7, four vols. not labeled). 1841-57, 1868-89, 1891-94 in Court Docket [Civil], entry 120.

Record of actions and proceedings in criminal causes, showing dates of filing and court term, nature and number of cause, names of defendant, attorneys and witnesses, court proceedings, and volume and page reference to Civil Order Book, entry 123. Arr. num. by cause nos. No index. Hdw. 600 pp. 16 x 12 x 4. 9 vols., 1895-1928, bsmt. stor. rm.; 2 vols., 1929-, clk. rec. rm.

151. CLERK'S DOCKET, STATE CASES, Mar. 1895-Apr. 1903. 1 vol.

Clerk's record of actions and proceedings in criminal causes, showing cause number, dates of court term and trial, names of defendant and attorneys, nature of offense, and disposition. Arr. chron. by dates of court terms, thereunder by dates of trials. No index. Hdw. 500 pp. 18 x 12 x 3. Bsmt. stor. rm.

## JUDGMENTS

152. SUSPENDED SENTENCE DOCKET, 1924-27, 1933-. 2 vols. (1, and one vol. not labeled).

Record of suspended sentences in criminal causes, showing dates of filing and trial, number and nature of cause, and name of defendant. Arr. chron. by dates of trials. Indexed alph. by names of defendants. Hdw. 98 pp.  $11\frac{1}{2}$  x 8 x  $1\frac{3}{4}$ . Clk. rec. rm.

153. JUDGMENT WITHHELD DOCKET, 1926-27. 1 vol. Discontinued.

Record of judgments withheld in criminal causes, showing date and number of cause, name and address of defendant, history of case, and volume and page reference to Civil Order Book, entry 123. Arr. alph. by names of defendants. No index. Hdw. 98 pp. 18 x  $11\frac{1}{2}$  x  $1\frac{3}{4}$ . Clk. rec. rm.

## PROBATE CAUSES

(See also entries 120-122, 124)

## FILING OF ACTIONS

154. ESTATE ENTRY, CLAIM AND ALLOWANCE DOCKET AND FEE BOOK, 1913-. 8 vols. (1-8).

Record of filing of actions and claims, allowances made, and fees assessed in estate causes, showing cause number, date of filing, names of administrator or executor, sureties and estate, amounts of inventory, appraisement, sale bills, claim, allowance, fees and administrator's or executor's bonds, and receipt of satisfaction. This is a combination of three records formerly kept separately: General Entry, Claim and Allowance Docket, entry 155; Docket of Allowances, May 1924-, entry 158; Administrator's Fee Book, entry 177. Arr. num. by cause nos. Indexed alph. by names of estates. Hdw. 580 pp. 18 x 12 x 3. 5 vols., 1913-May 8, 1933, clk. rec. rm.; 3 vols., May 9, 1933-, clk. off.

155. GENERAL ENTRY, CLAIM AND ALLOWANCE DOCKET, 1847-1912. 9 vols. (1, 1-4, 1-4). Title varies: Appearance Docket, 1847-80, 5 vols. 1913- in Estate Entry, Claim and Allowance Docket and Fee Book, entry 154.

Record of filing of actions and claims in estate causes, showing cause number, dates of decedents death and filing, names of decedent, administrator or executor, sureties and claimants, and amounts of estate, administrator's or executor's bond, inventory, sale bills and claims. Arr. num. by cause

nos. Indexed alph. by names of decedents. Hdw. 580 pp. 18 x 12 x 3. 7 vols., 1847-80, Nov. 1901-12, clk. rec. rm.; 2 vols., 1881-Oct. 1901, bsmt. stor. rm.

156. GUARDIANSHIP DOCKET AND FEE BOOK, 1913-. 2 vols. (1, 2).

Record of filing of actions and assessments of fees in guardianship causes, showing cause number, dates of filing and proceedings, names of guardian, decedent and sureties, names, ages and dates of birth of wards, amount of guardian's bond, itemized account of fees assessed, court proceedings, and receipts of satisfaction. This is a combination of two records formerly kept separately: Guardian Docket, entry 157; Guardian Fee Book, entry 178. Arr. num. by cause nos. Indexed alph. by names of wards. Hdw. 250 pp. 18 x 12 x 2. Clk. off.

157. GUARDIAN DOCKET, 1873-1912. 2 vols. (one vol. not labeled, 1). 1913- in Guardianship Docket and Fee Book, entry 156.

Record of filing of actions in guardianship causes, showing cause number, dates of filing, letters of guardianship and proceedings, names of guardian, wards and sureties, and amount of guardian's bond. Arr. num. by cause nos. Indexed alph. by names of wards. Hdw. 250 pp. 18 x 12 x 2. 1 vol., 1873-Oct. 1895, bsmt. stor. rm.; 1 vol., Nov. 1895-1912, clk. rec. rm.

158. DOCKET OF ALLOWANCES, 1853-Apr. 1924. 4 vols. (1-4). May 1924- in Estates Entry, Claim and Allowance Docket and Fee Book, entry 154.

Record of allowances on claims in estate causes, showing cause number, dates and amounts of claim and allowance, and names of estate, claimant and administrator or executor. Arr. num. by cause nos. Indexed alph. by names of estates. Hdw. 580 pp. 18 x 12 x 3. Bsmt. stor. rm.

#### ORIGINAL DOCUMENTS

159. [PROBATE CAUSES], 1820-. 400 f. b.

Original instruments filed in estate and guardianship causes, including: applications for appointments, bonds, inventories, appraisements and orders for sales of property, and proofs of publication, showing dates of instruments and court term, cause number, names of estate, beneficiaries, witnesses, administrator or executor or guardianship, guardian and ward, court proceedings, and disposition. Also contains: [Reports], 1820-1913, entry 161; Claims, 1820-91, entry 162. Arr. num. by cause nos. 1820-69, no index; for index 1870-, see entry 160. Hdw. and typed. 10 x 4 x 15. 220 f. b., 1820-1929, clk. rec. rm.; 180 f. b., 1930-, clk. off.

## 160. GENERAL INDEX [Probate], 1870-. 4 vols.

Partial index to [Probate Causes], entry 159, showing date of filing, cause number, names of estate and administrator or guardian, and file box reference. Arr. alph. by names of estates. Hdw. 600 pp. 18 x 12 x 3. Clk. rec. rm.

## 161. [REPORTS], 1914-. 48 f. b. (A-W, Y, A-W, Y). 1820-1913 in [Probate Causes], entry 159.

Reports of administrators, executors and guardians in settlement of estates, showing date of report, names of estate and administrator, executor or guardian, and itemized list of receipts and disbursements. Arr. alph. by names of estates. No index. Hdw. and typed. 10 x 4 x 15. Clk. rec. rm.

## 162. CLAIMS, 1892-. 5 f. b. 1820-91 in [Probate Causes], entry 159.

Claims filed and paid in estate causes, showing date, number, amount and purpose of claim, names of estate and claimant, and date of payment. Arr. chron. by date of claims. No index. Hdw. and typed. 10 x 4 x 15. 4 f. b., 1892-1928, clk. rec. rm.; 1 f. b., 1929-, clk. off.

## BONDS

## 163. ADMINISTRATOR'S BOND, OATHS AND LETTERS, 1853-. 7 vols. (1-7). Title varies: Executor's Bonds, 1853-73, 1 vol.; Administrator's and Executor's Bonds, May 1882-Aug. 1922, 1 vol.

Record of administrator's and executor's bonds, oaths and letters, showing dates of bond, oath and letter, names of decedent, administrator or executor and sureties, and amount and conditions of bond. Also contains: Guardian's Bonds, Oaths and Letters, 1853-73, entry 164. Arr. chron. by dates of bonds. Indexed alph. by names of decedents. Hdw. 572 pp. 16 x 11 x 2½. 6 vols., 1853-Aug. 1928, bsmt. stor. rm.; 1 vol., Sept. 1928-, clk. rec. rm.

## 164. GUARDIAN'S BONDS, OATHS AND LETTERS, 1847-52, 1874-. 4 vols. (1, one vol. not labeled, 3, 4). 1853-73 in Administrator's Bond, Oaths and Letters, entry 163.

Record of guardians' bonds, oaths and letters, showing dates of bond, oath and letter, names of wards, guardian and sureties, and amount and conditions of bond. Arr. chron. by dates of bonds. Indexed alph. by names of wards. Hdw. 572 pp. 16 x 11 x 2½. 3 vols., 1847-52, 1874-1914, bsmt. stor. rm.; 1 vol., 1915-, clk. rec. rm.



165. ADMINISTRATORS, GUARDIANS [and] COMMISSIONERS BONDS  
TO SELL REAL ESTATE, 1876-. 1 vol.

Record of bonds posted by administrators, guardians and commissioners to sell real estate involved in settlement of estates, showing date of filing, names of estate, surties and administrator, guardian or commissioners, and date, amount and conditions of bond. Arr. chron. by dates of filing. Indexed alph. by names of estates. Hdw. 640 pp. 12 x 16 x 3. Clk. rec. rm.

WILLS (see also entry 86vii)

166. WILL RECORD, 1818-. 8 vols. (1-8).

Record of wills filed for probate, showing dates of will and filing, names of testator, beneficiaries, witnesses and administrator or executor, and conditions of will. Arr. chron. by dates of filing. Indexed alph. by names of testators. 1818-1930, hdw.; 1931-, typed. 600 pp. 18 x 12 x 3. Clk. rec. rm.

167. WILLS, 1861-. 5 f. d.

Original wills filed for probate, showing same information as in entry 166. Arr. chron. by dates of filing. No index. Hdw. and typed. 10 x 4 x 15. 4 f. b., 1861-1929, clk. rec. rm.; 1 f. b., 1930-, clk. off.

INVENTORIES AND SALE BILLS

168. INVENTORY RECORD, Mar. 2, 1882-. 13 vols. (1-13).

Record of inventories and appraisements of personal property in estate causes, showing cause number, dates of inventory, appraisement and filing, names of decedent, appraisers and administrator or executor, location, description and valuation of property, and amount and nature of indebtedness. Arr. chron. by dates of filing. Indexed alph. by names of decedents. Hdw. 592 pp. 18 x 12 x 2. 5 vols., Mar. 2, 1882-Oct. 21, 1915, bsmt. stor. rm.; 8 vols., Dec. 21, 1915-, clk. rec. rm.

169. GUARDIAN'S INVENTORY, 1859-60, 1873-. 5 vols. (1-3, 2, 3).

Record of inventories of property in guardianship causes, showing dates of inventory, court term and filing, names of guardianship, appraisers, guardian and creditors, description and appraised valuation of property, and amount of indebtedness. Arr. chron. by dates of inventories. Indexed alph. by names of guardianships. Hdw. 450 pp. 18 x 12 x 2. 2 vols., 1859-60, Mar. 1896-Apr. 1936, clk. rec. rm.; 2 vols., 1873-Feb. 1896, bsmt. stor. rm.; 1 vol., May 1936-, clk. off.

170. RECORD OF SALE BILLS, 1875-. 6 vols. (2, five vols. not labeled).

Record of sale bills for disposition of property in estate and guardianship causes, showing date of sale, names of estate or guardianship and purchaser, list of property sold, and amount of sale. Arr. chron. by dates of sales. Indexed alph. by names of estates and guardianships. Hdw. 600 pp. 18 x 12 x 3. 3 vols., 1875-1910, bsmt. stor. rm.; 2 vols., 1911-36, clk. rec. rm.; 1 vol., 1937-, clk. off.

#### MINUTES

171. COURT DOCKET, PROBATE, Oct. 1895-. 17 vols. (one vol. not labeled, 9-17, seven vols. not labeled).

Record of actions and proceedings in estate and guardianship causes, showing cause number, dates of filing and term of court, names of estate, guardianship, administrator, executor or guardian, wards and attorneys, nature of action, court proceedings, and volume and page reference to Order Book [Probate], entry 174. This is a combination of two records formerly kept separately: Court Docket, Probate of Estates, entry 172; Court Docket of Guardianships, entry 173. Arr. num. by cause nos. No index. Hdw. 480 pp. 18 x 12 x 4. 10 vols., 1895-Mar. 1915, bsmt. stor. rm.; 7 vols., Apr. 1915-, clk. rec. rm.

172. COURT DOCKET, PROBATE OF ESTATES, 1875-Sept. 1895. 8 vols. (1-8). 1841-57, 1868-74, in Court Docket [Civil], entry 120; Oct. 1895- in Court Docket, Probate, entry 171.

Record of actions and proceedings in estate causes, showing cause number, dates of filing, term of court and action, names of estates, attorneys and administrator or executor, nature of action, and court proceedings. Arr. by terms of court, thereunder num. by cause nos. No index. Hdw. 500 pp. 18 x 12 x 3. 3 vols., 1875-Jan. 1878, Sept. 1886-88, 1891-93, bsmt. stor. rm.; 5 vols., Feb. 1878-Aug. 1886, 1889-90, 1894-Sept. 1895, clk. rec. rm.

173. COURT DOCKET OF GUARDIANSHIP, 1875-Sept. 1895. 5 vols. (1-4, 4). 1841-57, 1868-74 in Court Docket [Civil], entry 120; Oct. 1895- in Court Docket, Probate, entry 171.

Record of actions and proceedings in guardianship causes, showing cause number, dates of filing, term of court and action, names of guardianship, wards, guardian and attorneys, nature of action, and court proceedings. Arr. by terms of

court, thereunder num. by cause nos. No index. Hdw. 500 pp. 18 x 12 x 3. Clk. rec. rm.

#### ORDERS

174. ORDER BOOK [Probate], 1818-. 44 vols. (A-F, 1-38). Record of orders and proceedings in probate causes, showing number and nature of cause, dates of filing, court term and action, names of estate, attorneys, witnesses, wards and administrator, executor or guardian, nature of action, and order of court. Also contains: Inheritance and Transfer Record, 1915-, entry 175. Arr. chron. by dates of court terms. 1818-1931, no index; 1932-, indexed alph. by names of estates or guardianships. 1818-Mar. 1903, hdw.; Apr. 1903-, typed. 500 pp. 18 x 11 x 2¼. Clk. rec. rm.

175. INHERITANCE AND TRANSFER RECORD, 1913-14. 1 vol. 1915- in Order Book [Probate], entry 174.

Record of orders determining value of estates and amount of inheritance or transfer tax, showing cause number, dates of decedents death, inventory and appraisement and payment of tax, names of decedent, administrator, executor or trustee, heirs and attorneys, value of estate, and amounts of deductions, appraisers fee and expenses and tax. Arr. num. by cause nos. No index. Hdw. 475 pp. 18 x 24 x 2½. Clk. rec. rm.

#### COMPLETE TRANSCRIPTS

176. FINAL RECORD, COMMON PLEAS, 1831-64. 4 vols. (3, D, C, D). Title varies: Complete Record, 1831-50, 2 vols.

Complete transcripts of probate causes involving title to real property, showing same information as in entry 138. Arr. chron. by dates of trials. No index. Hdw. 475 pp. 16 x 12 x 2. Clk. rec. rm.

#### FEE AND CASH RECORDS

177. ADMINISTRATOR'S FEE BOOK, Nov. 1, 1895-1912. 3 vols. (9, 1, 2). 1847-59, Aug. 1863-Oct. 1895 in Fee Book, Probate, entry 179; 1913- in Estate Entry, Claim and Allowance Docket and Fee Book, entry 154.

Record of fees assessed in estate causes, showing nature and number of cause, dates of payment and term of court, amount of fees, and names of estate and administrator. Arr. chron. by dates of court terms. Indexed alph. by names of estates. Hdw. 500 pp. 18 x 12 x 3. Bsmt. stor. rm.

178. GUARDIAN'S FEE BOOK, Nov. 1895-1912. 1 vol. (1). 1847-59, Aug. 1863-Oct. 1895 in Fee Book, Probate, entry 179; 1913- in Guardianship Docket and Fee Book, entry 156.

Record of fees assessed in guardianship causes, showing cause number, names of guardianship, guardian and ward, date of court term, and amount and nature of fee. Arr. chron. by dates of court terms. Indexed alph. by names of wards. Hdw. 400 pp. 18 x 12 x 3. Clk. off.

179. FEE BOOK, PROBATE, 1847-59, Aug. 1863-Oct. 1895. 6 vols. (one vol. not labeled, 3-7).

Record of fees assessed in estate and guardianship causes, showing date of court term, cause number, names of administrator, executor or guardian and estate, and amount and nature of fees. This is a combination of two records later kept separately: Administrator's Fee Book, entry 177; Guardian's Fee Book, entry 178. Arr. chron. by dates of court terms. Indexed alph. by names of estates or guardianships. Hdw. 450 pp. 18 x 13 x 2. 1 vol., 1847-59, I. U. Libr. bsmt.; 5 vols., Aug. 1863-Oct. 1895, C. C., bsmt. stor. rm.

#### JUVENILE CAUSES

180. JUVENILE COURT DOCKET, Mar. 1907-. 3 vols.

Record of actions and proceedings in juvenile causes, showing number and nature of cause, dates of filing and trial, names of juvenile, attorney, witnesses, parents or guardian of juvenile and complaintant, and court proceedings. Arr. num. by cause nos. Indexed alph. by names of juveniles. Hdw. 300 pp. 16 x 8 x 3½. 2 vols., Mar. 1907-Mar. 22, 1935, clk. rec. rm.; 1 vol., Mar. 23, 1935-, clk. off.

181. JUVENILE ORDER BOOK, 1923-. 2 vols. (1, 1).

Record of actions and proceedings in juvenile causes, showing number and nature of cause, dates of actions and trial, name of juvenile, court proceedings, and disposition. Arr. num. by cause nos. Indexed alph. by names of juveniles. Typed. 600 pp. 18 x 13 x 3. Clk. rec. rm.

182. PROBATION OFFICERS, 1926-. 1 f. b.

Investigations made by probation officers in juvenile causes, showing date of investigation, name, age, sex, color, nationality and address of child, name of parents, and officer's report. Arr. chron. by dates of investigations. No index. Hdw. and typed. 10 x 4 x 15. Clk. rec. rm.



183. RECORD OF AFFIDAVITS FOR PROSECUTION, 1929-. 1 vol. (1).

Record of criminal affidavits in juvenile causes, showing same information as in entry 146. Arr. chron. by dates of affidavits. Indexed alph. by names of defendants. Hdw. 456 pp. 16 x 12 x 2. Clk. rec. rm.

184. JUVENILE FEE BOOK, 1930-. 1 vol. (1).

Record of fees assessed in juvenile causes, showing cause number, name of defendant and payer, dates of court term and payment, and amount and nature of fees. Arr. chron. by dates of court terms. Indexed alph. by names of defendants. Hdw. 495 pp. 18 x 13 x 2. Clk. rec. rm.

185. CHILDREN'S HISTORY RECORD, 1907-8. 1 vol. Discontinued.

Record of dispositions of delinquency causes, showing dates of filing and disposition, cause number, name of child, names and addresses of parents, case history and disposition. Arr. chron. by dates of filing. No index. Hdw. 61 pp. 21 x 16 x 1. Clk. rec. rm.

#### MISCELLANEOUS COURT RECORDS

186. OPINIONS, SUPREME COURT, 1900-. 1 f. b.

Opinions and decisions in causes appealed to supreme court, showing dates of filing and opinion or decision, number and nature of cause, names of plaintiff and defendant, and nature of opinion or decision. Arr. chron. by dates of filing. No index. Typed. 10 x 4 x 15. Clk. rec. rm.

For prior records, see entry 187.

187. ORDER BOOK [Supreme Court Decisions], 1893-1901. 1 vol. (1). Discontinued.

Record of decisions in causes appealed to the supreme court, showing date, number and nature of cause, names of plaintiff and defendant, court proceedings, and final decision. Arr. chron. by dates of causes. Indexed alph. by names of plaintiffs. Hdw. 580 pp. 18 x 12 x 3. Clk. rec. rm.

For subsequent records, see entry 186.

188. CHANGE OF VENUE RECEIPTS, 1905-. 1 f. b.

Receipts issued by clerks of adjoining counties for instruments received in change of venue causes, showing cause number, names of plaintiff, defendant and adjoining county, and date and number of receipt. Arr. chron. by dates of receipts. No index. Hdw. 10 x 4 x 15. Clk. rec. rm.

For other change of venue records, see entries 189, 275.

189. CHANGE OF VENUE RECORD, 1908-. 3 vols. (1-3). Record of causes venued from adjoining counties, showing dates of filing and action, cause number, names of plaintiff, defendant, attorneys, witnesses and adjoining county, and amounts of fees and costs. Arr. chron. by dates of filing. Indexed alph. by names of plaintiffs. Hdw. 260 pp. 16 x 11 x 2. Clk. rec. rm.

For other change of venue records, see entries 188, 275.

190. GRAND JURY, PROBATION OFFICER, ADMISSION TO BAR, 1929-. 1 f. b.

Miscellaneous documents, including:

- i. Applications for admission to bar, showing dates of application, order for admission and filing, name and address of applicant, statement of applicant's qualifications, and volume and page reference to Civil Order Book, entry 123.
- ii. Grand jury reports to court on condition of county jail, showing dates of report and filing, name of building inspected, and recommendations.
- iii. Probation officers report to court, showing dates of report and filing, name of officer, number of conferences, visits and complaints, nature of business, and per diem expenses.

Arr. chron. by dates of filing. No index. Hdw. 10 x 5 x 14. Clk. rec. rm.

191. [MISCELLANEOUS COURT DOCUMENTS], 1933-. In Miscellaneous Bonds and Papers, entry 29.

Miscellaneous documents filed in clerk's office, including:

- i. Appointments of members to library board, alcoholic beverage board, board of review, board of tax adjustment, and deputy court officials, showing date of appointment, names of appointee, position and appointing judge, and term of office.
- ii. Cost bonds, showing same information as in entry 192.
- iii. Court allowances, 1934-, showing same information as in entry 283.

192. APPEAL BOND RECORD, 1892-1927. 1 vol. (1). 1928- in Miscellaneous Bond Record, entry 26.

Record of bonds posted to insure costs in causes appealed to higher courts, showing cause number, names of plaintiffs and defendants, and amount and conditions of bond. Arr. chron. by dates of bonds. No index. Hdw. 300 pp. 18 x 12 x 3. Clk. rec. rm.

193. JURY RECORD, 1877-87, 1888-89, 1896-1913. 3 vols.

Title varies: Jurors' Docket, 1877-87, 1 vol.;

Register of Jurors. 1888-89, 1 vol.

Register of number of days served and miles traveled by jurors, showing date of court term, number and nature of cause, name of juror, and amount of fees due juror. Arr. chron. by dates of court terms. No index. Hdw. 200 pp. 18 x 12 x 1. 2 vols., 1877-87, 1896-1913, I. U. Libr. bsmt.; 1 vol., 1888-89, clk. rec. rm.

## VI. SHERIFF

### LEGAL STATUS

The office of sheriff exists under the mandatory provisions of the Constitution of 1851, and has existed in Monroe County since its organization in 1818. The Constitution of 1816 created the office in every county then or thereafter organized. The sheriff is elected for a 2-year term by the voters of the county. No person is eligible to hold the office more than 4 years in any 6-year period.<sup>1</sup> He is commissioned by the Governor of Indiana<sup>2</sup> and holds office until his successor is elected and qualified.<sup>3</sup> The sheriff must be an elector of the county at the time of his election, must have been an inhabitant thereof during the preceding year,<sup>4</sup> must reside within the county after his election, must not hold any other lucrative office,<sup>5</sup> and must not practice law.<sup>6</sup> He must post bond in an amount between \$5,000 and 15,000, to be approved by the board of commissioners and filed with the

---

<sup>1</sup> Const. 1816, art. 4, sec. 25. Const. 1851, art. 2, sec. 11; art. 6, sec. 2. Acts 1816-17, ch. 13, secs. 5, 6. Acts 1817-18 (general), ch. 15, sec. 13. Acts 1817-18 (special), ch. 6, sec. 1. Rev. Laws 1824, ch. 35, sec. 13; ch. 59, sec. 1; ch. 100, secs. 5, 6, 8. 2 Rev. Stat. 1852; Burns 49-2801; Baldwin 5493. *Gemmer v. State ex rel. Stephens* (1904), 163 Ind. 150, 71 N. E. 478.

<sup>2</sup> Const. 1816, art. 11, sec. 9. Const. 1851, art. 15, sec. 6. Acts 1816-17, ch. 13, secs. 1, 8. Rev. Laws 1824, ch. 100, secs. 1, 2, 6. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

<sup>3</sup> Const. 1851, art. 15, sec. 3. Acts 1816-17, ch. 13, sec. 5.

<sup>4</sup> Const. 1816, art. 11, sec. 14. Const. 1851, art. 6, sec. 4.

<sup>5</sup> Const. 1816, art. 11, secs. 6, 13. Const. 1851, art. 2, sec. 9; art. 6, sec. 6. Rev. Laws 1824, ch. 85, sec. 18.

<sup>6</sup> Rev. Laws 1824, ch. 8, sec. 6. Acts 1865, ch. 42 (misnumbered 62), sec. 2. Acts 1881 (Spec. Sess.), ch. 37, sec. 115. Acts 1905; Burns 10-3102; Baldwin 2636. *McCracken v. State* (1867), 27 Ind. 491.

clerk of the circuit court.<sup>7</sup> The sheriff must take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.<sup>8</sup>

The sheriff receives a regular salary of \$2,480 per year.<sup>9</sup> He is permitted to retain, as compensation for himself, the fees charged for his services in the execution of process issued by courts outside of the county and in the collection of gross income taxes as directed by the state department of treasury. If the sheriff furnishes and maintains the vehicles used in the discharge of his official duties, he is entitled to a mileage allowance at the rate of 6 cents per mile for each mile necessarily traveled in serving process, transporting persons to penal and benevolent institutions, and going for and returning fugitives.<sup>10</sup> For each meal served to the prisoners in his charge, the sheriff receives an allowance not exceeding 20 cents, as determined annually by the state examiner.<sup>11</sup>

For sufficient legal grounds the sheriff may be removed from office by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.<sup>12</sup> If the sheriff is convicted of a felony, or of permitting the lynching of any prisoner in his custody, the judgment of conviction must declare his office vacant.<sup>13</sup>

<sup>7</sup> Acts 1816-17, ch. 13, secs. 2-4, 8. Acts 1821-22, ch. 46, secs. 1, 2. Rev. Laws 1824, ch. 69, sec. 4; ch. 100, secs. 2, 8. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13063. Acts 1851-52; Burns 49-123; Baldwin 13093. 2 Rev. Stat. 1852, Acts 1937; Burns, 1939 suppl., 49-2801; Baldwin, 1937 suppl., 5493.

<sup>8</sup> Const. 1851, art. 15, sec. 4. Rev. Laws 1824, ch. 100, sec. 4. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101, 49-102, 49-104; Baldwin 13054, 13055, 13057. Acts 1937; Burns, 1939 suppl., 49-2801; Baldwin, 1937 suppl., 5493. State *ex rel.* Chapman v. Lines (1853), 4 Ind. 351.

<sup>9</sup> Acts 1816-17, ch. 19, sec. 16. Acts 1817-18 (general), ch. 42, sec. 23. Acts 1933; Burns 49-1004; Baldwin 7534.

<sup>10</sup> Rev. Laws 1824, ch. 41, sec. 12. Acts 1933; Burns 49-1005; Baldwin 7535. Acts 1933, 1937; Burns, 1939 suppl., 49-1006; Baldwin, 1937 suppl., 7538. Acts 1932 (Spec. Sess.); Burns 49-1315, 49-1316; Baldwin 7573, 7574. Acts 1933, 1937; Burns, 1939 suppl., 64-2613 (a); Baldwin, 1937 suppl., 15993 (a). *McFarlan v. State* (1897), 149 Ind. 149; Board of County Comrs. v. Baker (1939), —Ind.—, 19 N. E. (2d) 250. *Opinions of the Attorney General of Indiana, 1938*, p. 303; 1939, pp. 171, 258, 328.

<sup>11</sup> Acts 1817-18 (general), ch. 61, sec. 6. Rev. Laws 1824, ch. 77, sec. 7. Acts 1935; Burns, 1939 suppl., 49-1323; Baldwin, 1935 suppl., 13455-1.

<sup>12</sup> Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Rev. Laws 1824, ch. 29, sec. 34. Acts 1697, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

<sup>13</sup> Acts 1905; Burns 10-3309, 10-3310; Baldwin 2530, 2531. Acts 1897, 1899; Burns 49-834; Baldwin 13050.



Any vacancy in the office of sheriff is filled through appointment by the board of commissioners. The coroner performs the duties of sheriff until a new appointment is made. The appointee must take oath and post bond, as was required of his predecessor; and he holds office for the unexpired term and until his successor is elected and qualified.<sup>14</sup>

The sheriff may appoint deputies and assistants under authority from the board of commissioners. One deputy may be appointed without such authorization. The county council fixes the salaries of the deputies and assistants, which must be not less than \$75 nor more than \$200 per month. The sheriff may require any deputy to give bond. The deputies must take the oath required of the sheriff, may perform all the official duties of the sheriff, and are subject to the same regulations and penalties. The sheriff may remove such deputies and assistants at any time, and is responsible for their official acts.<sup>15</sup>

#### FUNCTIONS AND RECORDS

The sheriff is a conservator of the peace within the county. He is required to arrest without process all persons who within his view commit any criminal offense under the state laws, and detain them in custody during investigation of the cause of the arrest; suppress all breaches of the peace, having authority to call to his aid the power of the county; pursue and commit to jail all felons; maintain the jail and take care of the prisoners confined therein (persons held for investigation, defendants awaiting trial, and convicts); execute all process, orders, and warrants directed to him by legal authority; and to preserve and maintain order in all courts in the county, except those of justices of the peace.<sup>16</sup>

---

<sup>14</sup> Const. 1851, art. 6, sec. 9. Acts 1816-17, ch. 13, secs. 7, 9. Acts 1820-21, ch. 19, sec. 1. Rev. Laws 1824, ch. 100, secs. 7-9, 11. Acts 1861 (Spec. Sess.); Burns 29-701; Baldwin 7081. 1 Rev. Stat. 1852; Burns 49-405, 49-408, 49-409; Baldwin 13104, 13106, 13107. 2 Rev. Stat. 1852; Burns, 49-2902; Baldwin 5437. *Akers v. State ex rel. Kent* (1856), 8 Ind. 484. *State ex rel. Culbert v. Linkhauer* (1895), 142 Ind. 94, 41 N. E. 325. Interview of August 29, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

<sup>15</sup> Acts 1818-19, ch. 17, sec. 3. Rev. Laws 1824, ch. 100, sec. 10. 1 Rev. Stat. 1852. Acts 1855, 1925; Burns 49-501; Baldwin 13103. 1 Rev. Stat. 1852; Burns 49-502, 49-503; Baldwin 13109, 13110. Acts 1921; Burns 49-504; Baldwin 13111. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532. *Boaz v. Tate* (1873), 43 Ind. 60. *Opinions of the Attorney General of Indiana, 1934*, p. 256; 1937, p. 324.

<sup>16</sup> Acts 1816-17, ch. 2, secs. 7, 10; ch. 4, secs. 6, 7, 10, 31; ch. 5, sec. 51; ch. 6, sec. 1; ch. 10, sec. 15; ch. 24, sec. 3; ch. 32, sec. 9. Acts 1817-18 (general), ch. 20, sec. 1; ch. 32, sec. 6; ch. 48,

The sheriff makes arrests on warrants issued on indictments and affidavits, and detains the arrested persons in jail or releases them on bail as provided by law; serves summonses in cases of misdemeanors;<sup>17</sup> deputizes bystanders to aid him in protecting persons from being lynched;<sup>18</sup> calls the petit jury for civil and criminal cases as prescribed by law or directed by the court;<sup>19</sup> performs the duties of bailiff of the circuit court if no bailiff is appointed by the judge of that court;<sup>20</sup> transports persons committed to the charitable, correctional, and penal institutions operated by the state;<sup>21</sup> seizes and sells property as directed by any circuit court or superior court, and executes conveyances to the purchasers;<sup>22</sup> executes the process of the Supreme Court of Indiana, the Appellate Court of Indiana,<sup>23</sup> the state board of tax commis-

secs. 3, 4; ch. 62, secs. 2-4; ch. 63, sec. 2; ch. 66, sec. 1. Acts 1817-18 (special), ch. 2, sec. 7. Acts 1820-21, ch. 5, sec. 1; ch. 13, secs. 1, 2. Acts 1821-22, ch. 4, secs. 4-6. Rev. Laws 1824, ch. 1, sec. 6; ch. 5, secs. 2, 10; ch. 24, secs. 6, 8, 10; ch. 34, sec. 12; ch. 56, secs. 3, 5; ch. 73, secs. 2, 4, 27; ch. 74, secs. 8, 10, 41; ch. 100, sec. 10; ch. 117, secs. 1-3. Acts 1881 (Spec. Sess.); Burns 2-802, 3-522, 3-1910 to 3-1913, 3-2705; Baldwin 83, 791, 1026 to 1029, 1202. Acts 1905; Burns 10-3707; Baldwin 2654. Acts 1903; Burns 35-411; Baldwin 8541. 2 Rev. Stat. 1852; Burns 49-2802, 49-2803; Baldwin 5494, 5495. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700. Acts 1919; Burns 64-1303; Baldwin 15707.

<sup>17</sup> Acts 1816-17, ch. 2, sec. 7; ch. 4, secs. 7, 10. Acts 1817-18 (general), ch. 20, sec. 1; ch. 54, sec. 3; ch. 64, sec. 5; ch. 78, sec. 3. Acts 1818-19, ch. 1, sec. 6; ch. 7, sec. 2; ch. 10, secs. 1, 2. Acts 1819-20, ch. 25. Acts 1821-22, ch. 23, sec. 8; ch. 64, secs. 2-4. Rev. Laws 1824, ch. 23, sec. 3; ch. 29, secs. 70, 82; ch. 40, secs. 14, 17; ch. 46, secs. 1, 3; ch. 47, secs. 1-3; ch. 50, sec. 1; ch. 54, secs. 10, 11, 14; ch. 77, secs. 2, 4, 7; ch. 78, sec. 3; ch. 100, sec. 10; ch. 114, secs. 2, 4. Acts 1905, 1937; Burns, 1939 suppl., 9-1001; Baldwin, 1937 suppl., 2134.

<sup>18</sup> Rev. Laws 1824, ch. 100, sec. 14. Acts 1905; Burns 10-3309, 10-3310; Baldwin 2530, 2531. State *ex rel.* Maxwell v. Dudley (1903), 161 Ind. 431, 68 N. E. 899.

<sup>19</sup> Rev. Laws 1824, ch. 56, sec. 3. Acts 1881 (Spec. Sess.); Burns 2-2002; Baldwin 327. Acts 1905; Burns 9-1501; Baldwin 2246.

<sup>20</sup> Acts 1921, 1935; Burns, 1939 suppl., 4-3107; Baldwin, 1935 suppl., 1256.

<sup>21</sup> Rev. Laws 1824, ch. 29, secs. 83, 84. Acts 1905; Burns 9-2232, 22-2013; Baldwin 2339, 4206. Acts 1927; Burns 22-1213; Baldwin 4305. Acts 1911; Burns 22-1716; Baldwin 4230. Acts 1919; Burns 22-1809; Baldwin 4264.

<sup>22</sup> Acts 1817-18 (general), ch. 61, secs. 2, 3. Acts 1819-20, ch. 56, secs. 1-3; ch. 72, secs. 10, 11. Acts 1820-21, ch. 1, secs. 3, 8; ch. 19, sec. 6. Acts 1821-22, ch. 14, sec. 1; ch. 43, sec. 4; ch. 79, sec. 2. Rev. Laws 1824, ch. 5, secs. 13, 22, 26, 28; ch. 6, sec. 4; ch. 34, secs. 2, 5, 11; ch. 39, sec. 6; ch. 40, secs. 3-5, 7-10, 12, 18, 19, 22; ch. 45, secs. 10, 14; ch. 73, sec. 22; ch. 85, secs. 5, 6; ch. 99, sec. 2; ch. 114, sec. 3. 2 Rev. Stat. 1852, ch. 8, sec. 472. Acts 1881 (Spec. Sess.); Burns 2-3601, 2-4101, 3-1819; Baldwin 574, 619, 1014. Acts 1931; Burns 3-1806; Baldwin 1008.

<sup>23</sup> Acts 1816-17, ch. 1, secs. 6, 9, 10. Rev. Laws 1824, ch. 25, secs. 6, 12; ch. 100, sec. 13. Acts 1891; Burns 4-230; Baldwin 1378. 2 Rev. Stat. 1852; Burns 49-2203; Baldwin 1339. 2 Rev. Stat. 1852; Acts 1889; Burns 49-2204; Baldwin 1340.

sioners,<sup>24</sup> the state department of treasury (collection of gross income tax),<sup>25</sup> the state unemployment compensation board (collection of assessments against employers),<sup>26</sup> the state industrial board,<sup>27</sup> the county board of election commissioners, and the county board of canvassers,<sup>28</sup> when officially directed to do so; he attends sessions of the board of commissioners,<sup>29</sup> county council,<sup>30</sup> and board of review,<sup>31</sup> and executes the orders of those boards; issues licenses for the retail sale of pistols;<sup>32</sup> makes investigations of poultry dealers, and receives weekly reports from them;<sup>33</sup> kills unlicensed dogs after June 15 each year;<sup>34</sup> assists the state board of health in the administration of laws concerning leprosy;<sup>35</sup> and gives public notice of the holding of elections. In the early days of the county he performed various duties concerning elections.<sup>36</sup> Before 1824 he served as county tax collector.<sup>37</sup>

The sheriff keeps in his office, open to public inspection, written information (furnished by the state department of public safety) as to motor vehicle operators' and chauffeurs' licenses issued, denied, suspended, revoked, and exist-

---

<sup>24</sup> Acts 1919; Burns 64-1303; Baldwin 10705.

<sup>25</sup> Acts 1933, 1937; Burns, 1939 suppl., 64-2613(a); Baldwin, 1937 suppl., 15993(a). *Opinions of the Attorney General of Indiana, 1938*, p. 303; *1939*, pp. 171, 258.

<sup>26</sup> Acts 1936 (Spec. Sess.), 1939; Burns, 1939 suppl., 52-1514(b); Baldwin, 1939 suppl., 10168-61.

<sup>27</sup> Acts 1937; Burns, 1939 suppl., 40-2217(a); Baldwin, 1937 suppl., 16515(a).

<sup>28</sup> Acts 1905; Burns 29-1403; Baldwin 7384.

<sup>29</sup> Acts 1816-17, ch. 15, sec. 6. Rev. Laws 1824, ch. 15, sec. 5; ch. 16, sec. 6; ch. 86, secs. 5, 29, 42. Rev. Stat. 1843, ch. 7, sec. 5. 1 Rev. Stat. 1852; Burns 26-611; Baldwin 5226.

<sup>30</sup> Acts 1899; Burns 26-510; Baldwin 5374.

<sup>31</sup> Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

<sup>32</sup> Acts 1935, 1937; Burns, 1939 suppl., 10-4742; Baldwin, 1937 suppl., 2569-9.

Forms for these licenses are prescribed by the superintendent of the state police. *Ibid.*

<sup>33</sup> Acts 1917, 1929, 1932 (Spec. Sess.); Burns 42-803(b); Baldwin 10487.

<sup>34</sup> Acts 1937; Burns, 1939 suppl., 16-330; Baldwin, 1937 suppl., 3811-14.

<sup>35</sup> Acts 1917; Burns 35-504; Baldwin 8546.

<sup>36</sup> Acts 1816-17, ch. 9, secs. 1, 15, 16, 19, 22; ch. 12, sec. 5; ch. 14, secs. 2, 6, 8. Acts 1817-18 (Special), ch. 3, secs. 1-3. Acts 1817-18 (general), ch. 15, sec. 1; ch. 17, secs. 1, 8; ch. 49, sec. 5; ch. 54, sec. 3; ch. 57, sec. 9; ch. 61, secs. 1-6. Rev. Laws 1824, ch. 35, secs. 15, 16, 22; ch. 36, sec. 1; ch. 37, secs. 1, 2; ch. 59, sec. 3. 1 Rev. Stat. 1852, ch. 31, sec. 2. Acts 1889, ch. 87, sec. 15, Acts 1891, ch. 94, sec. 2. Acts 1881 (Spec. Sess.); Burns 29-702, 29-1703; Baldwin 7032, 7248. *Demaree v. Johnson* (1897), 150 Ind. 419, 49 N. E. 1062.

<sup>37</sup> See the essay entitled "Treasurer."

ing in the state.<sup>38</sup> Information concerning stolen motor vehicles is reported by the sheriff to the state motor vehicle commissioner.<sup>39</sup> The sheriff receives reports of deaths resulting from the operation of motor vehicles in the county (outside cities and towns), makes immediate investigations concerning such deaths, and reports the facts to the state department of public safety within 24 hours thereafter.<sup>40</sup> All arrests made by the sheriff for the violation of laws concerning the operation of motor vehicles are reported by him to the state motor vehicle commissioner.<sup>41</sup>

For public displays of fireworks in the county (outside cities and towns), the sheriff approves the location, operator, permit, and indemnity bond, in accordance with regulations prescribed by the state fire marshal.<sup>42</sup> From 1911 until 1935 the sheriff assisted local health authorities in quarantining, muzzling, and killing dogs in accordance with the laws concerning hydrophobia.<sup>43</sup>

The sheriff charges the fees provided by law for the services he performs and pays the same over to the county treasurer, except as otherwise stated herein.<sup>44</sup> Fines imposed by the circuit court are collected by him and paid over to the county treasurer.<sup>45</sup>

If on account of death, sickness, or other casualty the judge of the circuit court fails for 3 consecutive days to attend court during termtime, the auditor, sheriff, and clerk of the circuit court, acting together, may appoint a

<sup>38</sup> Acts 1937, 1939; Burns, 1939 suppl., 47-442; Baldwin, 1939 suppl., 11317-11.

<sup>39</sup> Acts 1921; Burns 47-314; Baldwin 11142.

<sup>40</sup> Acts 1933, ch. 189, sec. 2. Acts 1937, ch. 129, sec. 1. Acts 1939; Burns, 1939 suppl., 47-1915, 47-1916; Baldwin, 1939 suppl., 11189-54, 11189-55.

<sup>41</sup> Acts 1937; Burns, 1939 suppl., 47-448; Baldwin, 1937 suppl., 11317-17.

<sup>42</sup> Acts 1939; Burns, 1939 suppl., 20-1102, 20-1103; Baldwin, 1939 suppl., 2542-2, 2542-3. Interview of April 15, 1940 with Clem Smith, state fire marshal.

<sup>43</sup> Acts 1911, ch. 98, secs. 5, 6 (repealed by Acts 1935, ch. 271, sec. 1).

<sup>44</sup> Rev. Laws 1824, ch. 24, sec. 13; ch. 41, secs. 2, 7, 9; ch. 72, sec. 23; ch. 100, sec. 11. Acts 1871, ch. 17, sec. 20. Acts 1933; Burns 49-1005; Baldwin 7535. Acts 1895, 1905, 1915, 1919; Burns 49-1311; Baldwin 7570. Acts 1932 (Spec. Sess.); Burns 49-1312, 49-1315, 49-1316; Baldwin 7571, 7574. Acts 1919, 1921; Burns 49-1318; Baldwin 13588-1. Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577.

<sup>45</sup> Acts 1816-17, ch. 17, sec. 6; ch. 27, sec. 1. Acts 1817-18 (general), ch. 44, sec. 6; ch. 72, secs. 2, 3; ch. 79, sec. 1. Acts 1817-18 (special), ch. 4, sec. 1. Rev. Laws 1824, ch. 22, sec. 8; ch. 29, sec. 80; ch. 57, sec. 42; ch. 100, sec. 11. Acts 1871, ch. 17, sec. 20. Acts 1905, 1927; Burns 9-2226 to 9-2228; Baldwin 2332, 2334, 2335.



temporary judge to serve until the return of the regular judge or until his successor is named.<sup>46</sup>

Whenever the sheriff is unable to attend to his duties, the coroner performs them;<sup>47</sup> and if both the sheriff and coroner are unable to act, it is then the duty of the judge of the circuit court to appoint an elisor who discharges the sheriff's duties until the disability of the sheriff or coroner is removed.<sup>48</sup>

The sheriff keeps a cashbook, a fee book,<sup>49</sup> a jail record,<sup>50</sup> a poultry dealers' record,<sup>51</sup> and a record of the service of process.<sup>52</sup> Quarterly and at the end of his term of office the sheriff reports to the auditor the amount of all fees collected during the time intervening since his last preceding report.<sup>53</sup> He makes an annual written report, under oath, to the circuit court showing all executions and other process in his hands, what levies he has made, the amount of money collected on each execution, and when service thereof was made, which report is to be entered on the order book of the circuit court.<sup>54</sup>

#### SERVICE ON WRITS

194. SHERIFF'S DOCKET, CIVIL, Feb. 1859—. 33 vols. (one vol. not labeled, 1, 2, 5-8, 1, eight vols. not labeled, 2, 2, 1-15).

Record of service on writs in civil and probate causes, showing dates of writ, service and return, kind of writ, term of court, cause number, names of plaintiff, defendant and witnesses, number of days served by witnesses, and amount of

<sup>46</sup> 2 Rev. Stat. 1852, pt. 1, ch. 4, secs. 4, 17. Acts 1881 (Spec. Sess.); Burns 4-3103; Baldwin 1261.

<sup>47</sup> Acts 1816-17, ch. 13, sec. 9. Rev. Laws 1824, ch. 100, sec. 7. 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901, 49-2902; Baldwin 5436, 5437.

<sup>48</sup> 2 Rev. Stat. 1852; Burns 4-322; Baldwin 1411.

<sup>49</sup> Acts 1871, ch. 17, secs. 17, 20. Acts 1891, ch. 194, secs. 124, 125. Acts 1895; Burns 49-1401; Baldwin 7576. Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577.

<sup>50</sup> Rev. Laws 1838, ch. 83, sec. 5. Acts 1909; Burns 13-1007; Baldwin 13459.

<sup>51</sup> Acts 1917, 1929, 1932 (Spec. Sess.); Burns 42-803; Baldwin 10487.

<sup>52</sup> Record required by the state board of accounts. Acts 1909; Burns 60-202; Baldwin 13855. Interview of May 18, 1939 with E. P. Brennan, state examiner.

<sup>53</sup> Acts 1871, ch. 17, sec. 20. Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577.

<sup>54</sup> Acts 1905; Burns 9-1034; Baldwin 2179. 2 Rev. Stat. 1852; Burns 49-2807; Baldwin 5502.

fees and costs. Also contains: Sheriff's Docket, Criminal, 1859-79, 1894, 1901-4, 1908-12, 1936-, entry 195. Arr. chron. by dates of services. No index. Hdw. 600 pp. 18 x 12 x 3. 15 vols., 1859-66, Oct. 1870-June 1875, 1877-May 1879, April 1880-Jan. 1905, C. C., bsmt. stor. rm.; 3 vols., 1867-Sept. 1870, July 1875-76, June 1879-Mar. 1880, I. U. Libr. bsmt. 15 vols., Feb. 1905-, sher. off.

195. SHERIFF'S DOCKET [Criminal], 1880-93, 1895-1900, 1905-7, 1913-35. 10 vols. (six vols. not labeled, 5-8). 1859-79, 1894, 1901-4, 1908-12, 1936- in Sheriff's Docket, Civil, entry 194.

Record of service on writs in criminal causes, showing dates of writ, service and return, kind of writ, term of court, cause number, names of plaintiff, defendant and witnesses, number of days served by witnesses, and amount of fees and costs. Arr. chron. by dates of services. No index. Hdw. 600 pp. 18 x 12 x 3. 7 vols., 1880-93, 1895-1900, 1905-07, 1913-Feb. 1918, bsmt. stor. rm.; 3 vols., Mar. 1918-35, sher. off.

196. REGISTER OF FOREIGN WRITS, 1907-. 4 vols. (1-4). Register of writs issued by courts in foreign counties for service in Monroe County, showing date, number and nature of cause, names of foreign county, plaintiff, defendant and person processed, dates of receiving and returning writ, and amount of costs. Arr. chron. by dates of receiving writs. Indexed alph. by names of plaintiffs. Hdw. 300 pp. 18 x 12 x 2½. 2 vols., 1907-28, bsmt. stor. rm.; 2 vols., 1929-, sher. off.

197. SHERIFF'S DOCKET, JUVENILE, 1931-. 1 vol. (1).

Record of service on writs in juvenile causes, showing dates of writ, service and return, kind of writ, term of court, cause number, names of plaintiff, defendant and witnesses, number of days served by witnesses, and amount of fees and costs. Arr. chron. by dates of services. No index. Hdw. 600 pp. 18 x 12 x 3. Sher. off.

198. SHERIFF'S DOCKET, COMMON PLEAS, 1853-73. 3 vols. (1-3).

Record of services on writs in causes of common pleas court, showing dates of writ, service and return, kind of writ, term of court, cause number, names of plaintiff, defendant and witnesses, number of days served by witnesses, and amounts of fees and costs. Arr. chron. by dates of services. No index. Hdw. 600 pp. 18 x 12 x 3. Bsmt. stor. rm.

EXECUTIONS ON JUDGMENTS  
(See also entries 127-137)

199. EXECUTION DOCKET, 1878-89, 1897-. 11 vols. (seven vols. not labeled, 1-4). Title varies: Register of Executions, 1878-87, 1 vol.

Record of writs of executions for satisfaction of judgments, showing cause number, date of writ, names of plaintiff, defendant and attorneys, amounts of judgment and costs, and sheriff's return. Arr. chron. by dates of writs. Indexed alph. by names of plaintiffs and defendants. Hdw. 300 pp. 18 x 12 x 3. 4 vols., 1878-89, Feb. 1905-1916, bsmt. stor. rm.; 7 vols., 1897-Jan. 1905, 1917-, sher. off.

JAIL RECORDS

200. JAIL REGISTER, 1896-. 7 vols. (five vols. not labeled, 1, 2).

Record of prisoners committed to jail, showing number, name, sex, age, color, residence and birthplace of prisoner, month, day, hour and year of admittance, offense charged, authority for confinement, amount of bail, amount of fine paid or unpaid, date, length and nature of sentence, date and authority for discharge, amount of fees, number of days held, and cost of board. Arr. chron. by dates of admittance. No index. Hdw. 390 pp. 18 x 12 x 3. Sher. off.

201. [CARD INDEX OF PRISONERS], 1933-. 1 f. d.

Card record of jail prisoners, showing date and term of sentence, name, age, color, sex, birthplace, personal description, criminal specialty and record, occupation and legal address of prisoner, and latest charge and sentence. Arr. alph. by names of prisoners. No index. Hdw. 6 x 6 x 16. Sher. off.

REPORTS, BONDS, AND WARRANTS

202. [POULTRY DEALERS' REPORTS], 1933-. 1 f. d.

Reports of purchases of poultry by licensed dealers, showing dates of purchase, report and filing, number, breed, age, registration and distinctive marks of poultry, names and addresses of seller and purchaser, and license number and type of vehicle used in transportation. Arr. chron. by dates of filing. No index. Hdw. 11 x 16 x 24. Sher. off.

## 203. STOLEN CARS, 1933-. 1 f. b.

Card record of reports of stolen automobiles, showing dates of report and theft, motor and license numbers, description of car, and name and address of owner. Arr. chron. by dates of reports. No index. Typed. 6 x 6 x 14. Sher. off.

## 204. RECOGNIZANCE BONDS, 1933-. 1 pigeon hole.

Original bonds posted to assure defendants appearance in court, showing same information as entry in 148. Arr. chron. by dates of bonds. No index. Hdw. 6 x 6 x 10. Sher. off.

For other recognizance bonds, see entries 143, 149.

## 205. WARRANTS, 1935-. 1 pigeon hole.

Warrants for arrest of defendants, showing dates of warrant and filing, cause number, name of defendant, and nature of offense. Arr. chron. by dates of filing. No index. Hdw. 6 x 6 x 10. Sher. off.

## 206. FOREIGN WRITS [Income Tax Warrants], 1935-. 1 pigeon hole.

Department of treasury warrants directing sheriff to levy upon and sell property for delinquent income taxes, showing date and number of warrant, name and address of defendant, and amounts of tax, penalty, interest and costs. Arr. chron. by dates of warrants. No index. Hdw. 6 x 6 x 10. Sher. off.

## FEE AND CASH RECORDS

## 207. SHERIFF'S FEE AND CASH BOOK, 1871-76, 1905-. 8 vols. (two vols. not labeled, 1-3. three vols. not labeled). Title varies: Sheriff's Fee Book, 1871-76, 2 vols.; Register of Sheriff's Fees, 1905-23, 4 vols.

Record of receipts and disbursements, showing cause number, dates of receipts and disbursements, names of payer and payee, and amount of fees. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 300 pp. 18 x 12 x 3. 5 vols., 1871-76, 1905-10, 1916-19, 1920-23, bsmt. stor. rm.; 3 vols., 1911-15, 1924-, sher. off.

## 208. SHERIFF'S MILEAGE RECORD, 1929-. 2 vols. (1, 2).

Record of mileage traveled in serving writs, showing cause number, date of service, name of person processed, kind of writ, number of miles traveled, amount of fees, and date of payment. Arr. chron. by dates of services. No index. Hdw. 300 pp. 18 x 12 x 3. Sher. off.



## VII. CORONER

## LEGAL STATUS

The office of coroner exists under the mandatory provisions of the Constitution of 1851, and has existed in Monroe County since its organization in 1818. The Constitution of 1816 created the office in every county then or thereafter organized. The coroner is elected for a 2-year term by the voters of the county, without restrictions on reelection.<sup>1</sup> He is commissioned by the Governor of Indiana<sup>2</sup> and holds office until his successor is elected and qualified.<sup>3</sup> The coroner must be an elector of the county at the time of his election, must have been an inhabitant thereof throughout the preceding year,<sup>4</sup> must reside within the county after his election, and must not hold any other lucrative office.<sup>5</sup> Before May 6, 1853 he could not practice law.<sup>6</sup> He must post bond in an amount between \$1,000 and \$5,000, to be approved by the board of commissioners and filed with the clerk of the circuit court.<sup>7</sup> The coroner must take an oath that he will support the state and federal constitution and will faithfully discharge the duties of his office.<sup>8</sup>

The coroner receives as compensation, for himself, for impaneling and swearing witnesses and making and returning inquisition for the viewing of each body, \$5 for the 1st day

---

<sup>1</sup> Const. 1816, art. 4, sec. 25. Const. 1851, art. 6, sec. 2. Acts 1816-17, ch. 9, sec. 13, ch. 13, secs. 5, 6. Acts 1817-18 (general), ch. 15, sec. 13. Acts 1817-18 (special), ch. 6, sec. 1. Rev. Laws 1824, ch. 35, sec. 13; ch. 100, secs. 5, 6, 8.

Exemption of coroner from arrest. Acts 1817-18 (general), ch. 54, sec. 3. Rev. Laws 1824, ch. 78, sec. 3.

<sup>2</sup> Const. 1816, art. 11, sec. 9. Const. 1851, art. 15, sec. 6. Acts 1816-17, ch. 13, secs. 1, 8. Rev. Laws 1824, ch. 100, secs. 1, 2, 5, 6. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

<sup>3</sup> Const. 1851, art. 15, sec. 3. Acts 1816-17, ch. 13, sec. 5.

<sup>4</sup> Const. 1851, art. 15, sec. 4.

<sup>5</sup> *Ibid.*, art. 2, sec. 9; art. 6, sec. 6.

<sup>6</sup> Rev. Laws 1824, ch. 8, sec. 6. Rev. Stat. 1838, ch. 8, sec. 6. Rev. Stat. 1843, ch. 38, sec. 101. 1 Rev. Stat. 1852, ch. 92, sec. 1 (repealing previous laws). Jones v. Cavins (1853), 4 Ind. 305.

<sup>7</sup> Acts 1816-17, ch. 13, secs. 2-4, 8. Acts 1821-22, ch. 46, secs. 1, 2. Rev. Laws 1824, ch. 69, sec. 4; ch. 100, secs. 2, 8. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068. Acts 1851-52; Burns 49-123; Baldwin 13093. 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901; Baldwin 5436.

<sup>8</sup> Const. 1851, art. 15, sec. 4. Rev. Laws 1824, ch. 100, sec. 4. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101, 49-102, 49-104; Baldwin 13054, 13055, 13057.

and \$2.50 for each additional day, plus a mileage allowance of 5 cents for each mile necessarily traveled in performing his duties. When he performs the duties required of the sheriff, the coroner receives the same compensation allowed to the sheriff. The coroner can employ a clerk, at a rate of pay not exceeding \$2 per day, to take down evidence of any inquisition.<sup>9</sup>

For sufficient legal grounds the coroner may be removed from office by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.<sup>10</sup> If the coroner is convicted of a felony the judgment of conviction must declare his office vacant.<sup>11</sup>

Any vacancy in the office of coroner is filled through appointment by the board of commissioners. The appointee must take oath and post bond, as was required of his predecessor; and he holds office for the unexpired term and until his successor is elected and qualified.<sup>12</sup>

There has been no major change in the office of coroner since the early days of the county, other than the abolition of the coroner's jury in 1879.<sup>13</sup>

#### FUNCTIONS AND RECORDS

The coroner is required to investigate deaths resulting from violence and other unnatural causes and inquire into the cause and manner of death.<sup>14</sup> He holds inquests without a

<sup>9</sup> Acts 1871, ch. 17, sec. 13. Acts 1875 (Spec. Sess.); Burns 49-2917; Baldwin, 1935 suppl., 5452.

<sup>10</sup> Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Rev. Laws 1824, ch. 29, sec. 34. Acts 1897, 1899; Burns 49-821 to 49-833, 49-836; Baldwin 13154 to 13166, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

<sup>11</sup> Acts 1897, 1899; Burns 49-834; Baldwin 13050.

<sup>12</sup> Const. 1851, art. 6, sec. 9. Acts 1816-17, ch. 13, sec. 7. Acts 1817-18 (general), ch. 17, sec. 8. Rev. Laws 1824, ch. 100, secs. 7, 8. Rev. Stat. 1843, ch. 7, sec. 74. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081. 1 Rev. Stat. 1852; Burns 49-405, 49-408, 49-409; Baldwin 13104, 13106, 13107. Interview of August 29, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

<sup>13</sup> Acts 1816-17, ch. 6, sec. 1; ch. 10, sec. 15; ch. 32, sec. 9. Acts 1817-18 (general), ch. 20, secs. 1-9; ch. 54, sec. 3; ch. 57, sec. 9; ch. 66, sec. 1. Acts 1819-20, ch. 25. Rev. Laws 1824, ch. 100, secs. 10-22. Rev. Stat. 1838, ch. 99 (1), secs. 1-23; ch. 99 (2), secs. 1-3. Rev. Stat. 1843, ch. 5, sec. 136; ch. 37, sec. 135; ch. 38, secs. 82-84; ch. 56, secs. 1-16. 2 Rev. Stat. 1852; Acts 1871, 1879 (Spec. Sess.), 1935; Burns, 1939 suppl., 49-2904a; Baldwin, 1935 suppl., 5439a. Acts 1879 (Spec. Sess.); Burns 49-2905; Baldwin 5444.

<sup>14</sup> Acts 1817-18 (general), ch. 20, sec. 2. Rev. Laws 1824, ch. 100, sec. 15. 2 Rev. Stat. 1852, Acts 1871, 1879 (Spec. Sess.), 1935; Burns, 1939 suppl., 49-2904a; Baldwin, 1935 suppl., 5439a.

jury,<sup>15</sup> and may subpoena witnesses and employ a physician or surgeon for post-mortem examinations.<sup>16</sup> If the finding of the inquisition determines that the death was caused by felony, the coroner must order the arrest of any person whom he may charge with such felony,<sup>17</sup> and may require witnesses to give recognizances for their appearance at the trial of the accused.<sup>18</sup> The evidence and verdict at the inquest are in writing, and are filed in the office of the clerk of the circuit court, together with all recognizances taken<sup>19</sup> and a written report giving a minute description of the deceased and valuables found with the body. If no person authorized to receive these valuables can be found after publication of notice, they are sold and the proceeds of sale are turned over to the county treasurer for the common school fund.<sup>20</sup> The coroner acts in a nonjudicial capacity, and his findings are not binding upon any person.<sup>21</sup> When the coroner is absent from the county or unable to attend an inquest, any justice of the peace of the county may hold the inquest.<sup>22</sup> The coroner makes a written report each month, to the state department of public safety, showing deaths of persons in his jurisdiction, during the preceding month, resulting from the operation of motor vehicles.<sup>23</sup> He is a peace officer with the same powers as the sheriff.<sup>24</sup> The coroner acts as sheriff in

<sup>15</sup> Acts 1817-18 (general), ch. 20, secs. 2, 3-5. Rev. Laws 1824, ch. 100, secs. 15-18. Acts 1879 (Spec. Sess.); Burns 49-2905; Baldwin 5444.

<sup>16</sup> Acts 1817-18 (general), ch. 20, secs. 6, 7. Rev. Laws 1824, ch. 100, sec. 20. 2 Rev. Stat. 1852; Burns 49-2906; Baldwin 5440.

<sup>17</sup> Acts 1817-18 (general), ch. 20, sec. 9. Rev. Laws 1824, ch. 100, sec. 22. 2 Rev. Stat. 1852; Burns 49-2914; Baldwin 5448.

<sup>18</sup> Rev. Laws 1824, ch. 100, sec. 21. 2 Rev. Stat. 1852; Burns 49-2907; Baldwin 5441.

<sup>19</sup> *Ibid.* 2 Rev. Stat. 1852; Acts 1879 (Spec. Sess.); Burns 49-2908; Baldwin 5442.

<sup>20</sup> 2 Rev. Stat. 1852, Acts 1879 (Spec. Sess.), 1913; Burns 49-2909, 49-2910, 49-2913; Baldwin 5443, 5444, 5447.

<sup>21</sup> Const. 1816, art. 2; art. 4, sec. 25; art. 5, sec. 1. Const. 1851, art. 3, sec. 1; art. 6, sec. 2; art. 7, sec. 1. *Stults v. Board of County Comrs.* (1907), 168 Ind. 539, 81 N. E. 471; *Peoria Cordage Co. v. Industrial Board of Illinois* (1918), 284 Ill. 90, 119 N. E. 996; *Spiegel's House Furnishing Co. v. Industrial Board of Illinois* (1919), 283 Ill. 422, 123 N. E. 606; *People of New York v. Coombs* (1899), 158 N. Y. 532, 53 N. E. 527.

<sup>22</sup> Rev. Laws 1824, ch. 100, sec. 23. 2 Rev. Stat. 1852; Burns 49-2915; Baldwin 5449.

<sup>23</sup> Acts 1939; Burns, 1939 suppl., 47-1915, 47-1913; Baldwin, 1939 suppl., 11189-54, 11189-58.

<sup>24</sup> Acts 1816-17, ch. 10, sec. 15, ch. 32, sec. 9. Acts 1817-18 (general), ch. 20, sec. 1; ch. 57, sec. 9. Acts 1819-20, ch. 25. Acts 1820-21, ch. 13, secs. 1, 2. Rev. Laws 1824, ch. 22, sec. 8; ch. 46, sec. 1; ch. 100, sec. 10. 2 Rev. Stat. 1852, Acts 1852; Burns 49-2901; Baldwin 5436.

event of the absence, personal interest, or incapacity of the sheriff, or vacancy in the sheriff's office.<sup>25</sup> All judicial writs against the sheriff are executed by the coroner. This duty includes the arrest and detention of the sheriff by the coroner.<sup>26</sup>

The coroner is not required to keep any records permanently.<sup>27</sup>

#### 209. CORONER'S RECORD, 1923-. 2 vols.

Record of coroner's statements of inquests held and fees assessed, showing date of inquest, name and description of decedent, cause of death, testimony of witnesses, and amount of fees. Arr. chron. by dates of inquests. Indexed alph. by names of decedents. Hdw. 600 pp. 18 x 12 x 3. 1 vol., 1923-Aug. 1935, clk. rec. rm.; 1 vol., Sept. 1935-, cor. off., Turner Hotel Bldg., Bloomington.

For other coroner inquest records, see entries 108, 109.

### VIII. PROSECUTING ATTORNEY

#### LEGAL STATUS

The office of prosecuting attorney exists under the mandatory provisions of the Constitution of 1851, and has existed in Monroe County since its organization in 1818. The prosecuting attorney is elected by the voters of the judicial circuit for a 2-year term without restrictions on reelection.<sup>1</sup> Monroe County alone constitutes the 10th judicial circuit.<sup>2</sup> He is commissioned by the Governor of Indiana<sup>3</sup> and holds

---

<sup>25</sup> Acts 1816-17, ch. 13, sec. 9. Rev. Laws 1824, ch. 36, secs. 1, 2; ch. 37, sec. 2; ch. 45, sec. 14; ch. 100, secs. 8, 9. 2 Rev. Stat. 1852; Burns 49-2902; Baldwin 5437.

<sup>26</sup> Acts 1816-17, ch. 13, sec. 9. Acts 1819-20, ch. 46, sec. 2. 2 Rev. Stat. 1852; Burns 49-2903; Baldwin 5438.

<sup>27</sup> Board of County Comrs. v. Gillum (1884), 92 Ind. 511. Interview of August 30, 1939 with E. P. Brennan, state examiner.

<sup>1</sup> Const. 1851, art. 7, sec. 11. Acts 1851-52, ch. 8, sec. 1. 2 Rev. Stat. 1852; Burns 49-2501; Baldwin 5456. Robinson v. Moser (1931), 203 Ind. 65, 179 N. E. 270. See footnotes 17, 18 herein.

<sup>2</sup> Acts 1937, ch. 73, sec. 1.

From the organization of Monroe County in 1818 until January 1, 1939 the county belonged to judicial circuits composed of more than one county. See the essay entitled "Circuit Court."

<sup>3</sup> Const. 1816, art. 11, sec. 9. Const. 1851, art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.



office until his successor is elected and qualified.<sup>4</sup> He must be an elector of the judicial circuit at the time of his election, must have been an inhabitant thereof throughout the preceding year,<sup>5</sup> must reside within the judicial circuit after his election, and must not hold any other lucrative office.<sup>6</sup> He must post bond in the amount of \$5,000 (to be approved by the circuit judge and filed with the clerk of the circuit court),<sup>7</sup> and take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.<sup>8</sup>

The prosecuting attorney of Monroe County receives a regular salary of \$2,400 per year payable out of the county treasury. He is entitled to reimbursement for expenses incurred when attending conferences called by the attorney general. He is not permitted to retain, as compensation for himself, any fees collected by him.<sup>9</sup>

The prosecuting attorney may engage in the private practice of law, except as to matters which might conflict with his official duties.<sup>10</sup>

If the prosecuting attorney is convicted of corruption or other high crime, he may be removed from office by the

<sup>4</sup> Const. 1851, art. 15, sec. 3.

<sup>5</sup> Const. 1816, art. 11, sec. 14. Const. 1851, art. 6, sec. 4.

<sup>6</sup> Const. 1816, art. 11, secs. 6, 13. Const. 1851, art. 2, sec. 9; art. 6, sec. 6. 2 Rev. Stat. 1852; Burns 49-2501; Baldwin 5456. State *ex rel.* Howard v. Johnston (1885), 101 Ind. 223.

<sup>7</sup> Rev. Laws 1824, ch. 24, sec. 11. Rev. Laws 1831, ch. 10, sec. 3. Rev. Stat. 1838, ch. 9 (first act), sec. 3. Rev. Stat. 1843, ch. 4, secs. 84-100. Acts 1851-52, ch. 8, sec. 2. 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068. 2 Rev. Stat. 1852; Burns 49-2502; Baldwin 5458.

<sup>8</sup> Const. 1816, art. 11, sec. 1. Const. 1851, art. 15, sec. 4. Rev. Laws 1824, ch. 24, sec. 11. Rev. Laws 1831, ch. 10, sec. 3. Rev. Stat. 1838, ch. 9 (first act), sec. 3. Rev. Stat. 1843, ch. 4, secs. 77, 78, 83, 84, 92. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

<sup>9</sup> Acts 1810, ch. 10, sec. 5. Acts 1813-14, ch. 12, secs. 1, 2. Acts 1814, ch. 3, secs. 4, 5. Rev. Laws 1824, ch. 24, secs. 9, 12, 13. Rev. Laws 1831, ch. 10, sec. 5. Rev. Stat. 1838, ch. 9 (first act), sec. 5. Rev. Stat. 1843, ch. 13, sec. 5. Acts 1858 (Spec. Sess.), ch. 12, sec. 2. Acts 1859, ch. 114, sec. 1. Acts 1861, ch. 41, sec. 133. Acts 1933, 1937; Burns, 1939 suppl., 49-2601; Baldwin, 1937 suppl., 7547. Acts 1933, ch. 140, sec. 55; Burns 49-2655, 49-2695; Baldwin 7549, 7550. *Opinions of the Attorney General of Indiana, 1937*, p. 636; *1938*, p. 234. See footnote 53 herein.

<sup>10</sup> Acts 1905; Burns 10-3102; Baldwin 2636. Acts 1917; Burns 10-3103, 10-3104; Baldwin 2637, 2638.

Liquor licenses. Acts 1901, 1913; Burns 49-2513; Baldwin 5467.

supreme court. This is the only method by which he may be removed from office.<sup>11</sup>

Any vacancy in the office of prosecuting attorney is filled through appointment by the governor. The appointee must take oath and post bond as was required of his predecessor, and holds office for the unexpired term and until his successor is elected and qualified.<sup>12</sup>

The prosecuting attorney may appoint such deputies as may be necessary. Their salaries are paid on warrants drawn by the auditor after an appropriation therefor by the county council and allowance of a claim therefor by the board of commissioners. The aggregate amount of deputies' salaries cannot exceed \$1,200 per year.<sup>13</sup> The deputies must take the oath required of the prosecuting attorney, may perform all his official duties, and are subject to the same regulations and penalties.<sup>14</sup> The prosecuting attorney may remove such deputies at any time and is responsible for their official acts.<sup>15</sup> Whenever the prosecuting attorney is disqualified or fails to attend court the judge must appoint some person to act in his place.<sup>16</sup>

---

<sup>11</sup> Const. 1851, art. 7, sec. 12. Acts 1816-17, ch. 10, sec. 15. Acts 1897; Burns 49-819; Baldwin 13152. State *ex rel.* Gibson v. Friedley (1893), 135 Ind. 119, 34 N. E. 872; State v. Patterson (1914), 181 Ind. 660, 105 N. E. 228; State v. Redman (1915), 183 Ind. 332, 109 N. E. 184; State *ex rel.* Williams v. Ellis (1916), 184 Ind. 307, 112 N. E. 98; State v. Dearth (1929), 201 Ind. 1, 164 N. E. 439; State *ex rel.* Youngblood v. Warrick Circuit Court (1935), 208 Ind. 594, 196 N. E. 254; State *ex rel.* Spencer v. Marion Criminal Court (1938), 214 Ind. 551, 15 N. E. (2d) 1020. Interview of July 29, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

<sup>12</sup> Const. 1851, art. 5, sec. 18; art. 6, sec. 9. Acts 1825-26, ch. 44, sec. 3. Rev. Laws 1831, ch. 10, sec. 4. Rev. Stat. 1838, ch. 9 (first act), sec. 4. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081. 1 Rev. Stat. 1852; Burns 49-402, 49-404, 49-408, 49-409; Baldwin 13101, 13103, 13106, 13107. State *ex rel.* Custer v. Schortemeier (1929), 197 Ind. 507, 151 N. E. 407. Interview of August 23, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

<sup>13</sup> 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108. Acts 1933, 1937; Burns, 1929 suppl., 49-2601; Baldwin, 1937 suppl., 7547. Acts 1933; Burns 49-2602, 49-2655, 49-2695; Baldwin 7548, 7549, 7550.

<sup>14</sup> 1 Rev. Stat. 1852; Burns 49-502; Baldwin 13109. Stout v. State (1884), 93 Ind. 150.

<sup>15</sup> 1 Rev. Stat. 1852; Burns 49-503; Baldwin 13110. Acts 1933; Burns 49-2602; Baldwin 7548.

<sup>16</sup> Rev. Laws 1824, ch. 24, sec. 12. Acts 1833-34, ch. 92, secs. 1-4. Rev. Stat. 1838, ch. 9 (second act), secs. 1-4. Acts 1851-52, ch. 8, sec. 5. 2 Rev. Stat. 1852; Burns 49-2505; Baldwin 5461. Perfect v. State (1926), 197 Ind. 401, 141 N. E. 52; State *ex rel.* Williams v. Ellis (1916), 184 Ind. 307, 112 N. E. 98; State *ex rel.* Spencer v. Marion Criminal Court (1938), 214 Ind. 551, 15 N. E. (2d) 1020.

From the organization of Monroe County in 1818<sup>17</sup> until August 9, 1824 a prosecuting attorney for the county was appointed by the judges of the circuit court, to serve during his good behavior. From August 9, 1824 until 1827 a prosecuting attorney for the judicial circuit was appointed for a 1-year term by the governor. From 1827 until 1843 he was appointed for a 2-year term by joint ballot of the senate and house of representatives. From 1843 until 1847 he was elected for a 2-year term by the voters of the judicial circuit. From 1847 until 1851 his term was 3 years. Since 1851 his term has been 2 years. The office of prosecuting attorney became a constitutional office when the Constitution of 1851 was adopted.<sup>18</sup>

Monroe County had a court of common pleas from 1853 until 1873. The judicial district of that court was composed of the counties of Brown, Monroe, and Morgan from 1853 until 1859, and the counties of Brown, Johnson, Monroe, Morgan, and Shelby from 1859 to 1873.<sup>19</sup> During the existence of the court of common pleas, a district attorney was biennially elected by the voters of the judicial district of that court. The district attorney's duties were similar to those of the prosecuting attorney, except that they extended only to the courts of common pleas and the courts of justices of the peace in the counties forming the judicial district of the court of common pleas.<sup>20</sup>

#### FUNCTIONS AND RECORDS

The prosecuting attorney is a judicial officer.<sup>21</sup> He acts as attorney for the state in criminal cases under the

<sup>17</sup> Acts 1817-18 (special), ch. 6, sec. 1.

<sup>18</sup> Const. 1816, art. 12, secs. 3, 4. Const. 1831, art. 7, sec. 11. Acts 1810, ch. 10, sec. 5. Acts 1813-14, ch. 12, secs. 1-5; ch. 29, secs. 1, 2. Acts 1814, ch. 2, secs. 1, 2; ch. 3, secs. 4, 5. Acts 1816-17, ch. 3, sec. 2. Rev. Laws 1824, ch. 24, secs. 9, 10. Acts 1826-27, ch. 17, sec. 1. Rev. Laws 1831, ch. 10, sec. 1. Rev. Stat. 1838, ch. 9 (first act), sec. 1. Rev. Stat. 1843, ch. 4, sec. 28; ch. 58, sec. 1; ch. 59, sec. 21; ch. 73, sec. 1. Acts 1842-43, ch. 15, sec. 1. Acts 1846-47 (general), ch. 13, sec. 1. Acts 1850-51 (general), ch. 132, secs. 1-3. 2 Rev. Stat. 1852; Burns 49-2501; Baldwin 5456.

<sup>19</sup> See the essay entitled "Circuit Court."

<sup>20</sup> Acts 1851-52, ch. 8. 2 Rev. Stat. 1852, pt. 3, ch. 3. Acts 1861 (Spec. Sess.), ch. 25; ch. 28, sec. 1. Acts 1873, ch. 29, sec. 79.

<sup>21</sup> State *ex rel.* Freed v. Martin Circuit Court (1938), 214 Ind. 152, 14 N. E. (2d) 910; State *ex rel.* Spencer v. Marion Criminal Court (1938), 214 Ind. 551, 15 N. E. (2d) 1020.

state laws and as attorney for the state and county in certain civil cases.<sup>22</sup>

Investigations of alleged violations of criminal laws are conducted by the prosecuting attorney,<sup>23</sup> the sheriff,<sup>24</sup> or the coroner,<sup>25</sup> co-operating with one another and with state and federal bureaus of law enforcement;<sup>26</sup> and the results of such investigations, if they point toward violations of the law, are presented to the grand jury by the prosecuting attorney.<sup>27</sup>

The prosecuting attorney or his deputy may appear before the grand jury for the purpose of interrogating witnesses or giving information relative to any matter cognizable by it or giving requested advice on any legal matter, but he cannot be present during the deliberations of the grand jury.<sup>28</sup> When an indictment is found by the grand jury, the foreman writes thereon the words "A true bill", and signs his name thereunder. The indictment is also signed by the prosecuting attorney.<sup>29</sup>

The prosecuting attorney conducts all prosecutions for felonies and misdemeanors charged in indictments returned by

<sup>22</sup> *Ibid.* Acts 1817-18 (general), ch. 4, sec. 2. Rev. Laws 1824, ch. 24, sec. 10. Rev. Laws 1831, ch. 10, sec. 2. Rev. Stat. 1838 (first act), ch. 9, sec. 2. Rev. Stat. 1843, ch. 37, sec. 101. Acts 1851-52, ch. 8, secs. 1, 3, 4. Acts 1905; Burns 4-2409; Baldwin 11595. 2 Rev. Stat. 1852; Burns 49-2501, 49-2503, 49-2504; Baldwin 5456, 5459, 5460. Acts 1932 (Spec. Sess.); Burns 64-1511; Baldwin 15754.

<sup>23</sup> 2 Rev. Stat. 1852; Burns 49-2503; Baldwin 5459.

"Inquisitorial powers are vested in the office of the prosecutor and in grand juries, and not in judges and courts." State *ex rel.* Spencer v. Marion Criminal Court (1938), 214 Ind. 551, 15 N. E. (2d) 1020.

<sup>24</sup> 2 Rev. Stat. 1852; Burns 49-2802; Baldwin 5494.

<sup>25</sup> 2 Rev. Stat. 1852, Acts 1871, 1879 (Spec. Sess.) 1935; Burns, 1939 suppl., 49-2904; Baldwin, 1935 suppl., 5439.

<sup>26</sup> Acts 1927; Burns 9-2503 to 9-2610; Baldwin 15353 to 15355, 15357 to 15361.

<sup>27</sup> Acts 1905, 1927; Burns 9-806, 9-901, 9-903; Baldwin 2102, 2123, 2131.

<sup>28</sup> Acts 1905; Burns 9-826; Baldwin 2122. Williams v. State (1919), 188 Ind. 283, 123 N. E. 209.

<sup>29</sup> Acts 1905; Burns 9-901; Baldwin 2123. Neal v. State (1938), 214 Ind. 328, 14 N. E. (2d) 590.

Endorsement by prosecuting attorney. Taylor v. State (1886), 113 Ind. 471, 16 N. E. 183; Robinson v. State (1912), 177 Ind. 263, 97 N. E. 929; Hamer v. State (1928), 200 Ind. 403, 163 N. E. 91.

The statutory requirement that affidavits forming the basis of criminal prosecutions must be approved by the prosecuting attorney does not apply to indictments. Peats v. State (1938), 213 Ind. 560, 12 N. E. (2d) 270.



the grand jury.<sup>30</sup> He may also prosecute on affidavit all criminal offenses under the state laws, other than treason and murder (which must be prosecuted on indictment).<sup>31</sup>

It is the duty of the prosecuting attorney to superintend, on behalf of the county, all civil actions and proceedings in which the county may be interested or involved,<sup>32</sup> including suits to collect taxes and tax penalties<sup>33</sup> and suits against officers or on their bonds.<sup>34</sup>

The prosecuting attorney prosecutes suits on forfeited

<sup>30</sup> Rev. Laws 1824, ch. 24, sec. 10. Rev. Laws 1831, ch. 10, sec. 2. Rev. Stat. 1838 (first act), ch. 9, sec. 2. Acts 1851-52, ch. 8, sec. 4. 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460.

<sup>31</sup> Acts 1905, 1927; Burns 9-908; Baldwin 2131.

Endorsement by prosecuting attorney. *Robinson v. State* (1912), 177 Ind. 263, 97 N. E. 929.

A court cannot compel the prosecuting attorney to approve the affidavit. *State ex rel. Freed v. Martin* Circuit Court (1938), 214 Ind. 152, 14 N. E. (2d) 910.

"Criminal prosecutions cannot be instituted by private individuals. They may be initiated by grand jury indictment. Formerly the only other method was on information. For this latter procedure the legislature substituted prosecutions by affidavit, approved by the prosecuting attorney." *Ibid.*

"In him is vested discretionary judicial power to investigate and determine who shall be prosecuted and who shall not be prosecuted. If he fails to exercise his official discretion honestly and impartially, the remedy is by impeachment." *State ex rel. Spencer v. Marion Criminal Court* (1938), 214 Ind. 551, 15 N. E. (2d) 1020.

<sup>32</sup> Acts 1816-17 (general), ch. 32, sec. 9; ch. 72, sec. 5. Rev. Laws 1824, ch. 24, sec. 10. Rev. Laws 1831, ch. 90, secs. 21, 27. Rev. Stat. 1843, ch. 13, sec. 233; ch. 14, sec. 35; ch. 15, sec. 128. Acts 1851-52, ch. 8, sec. 4. 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460. Board of County Comrs. v. *Templer* (1870), 34 Ind. 322.

<sup>33</sup> Rev. Laws 1824, ch. 86, secs. 23, 43. Acts 1931; Burns 6-2415; Baldwin 15953. Acts 1935, 1937; Burns, 1939 suppl., 12-912; Baldwin, 1937 suppl., 3764-41. Acts 1937; Burns, 1939 suppl., 16-320; Baldwin, 1937 suppl., 3811-4. Acts 1919; Burns 64-603, 64-719, 64-1319, 64-1518, 64-1519, 64-2208; Baldwin 15576, 15633, 15723, 15772, 15773, 15815. Acts 1932 (Spec. Sess.); Burns 64-1511; Baldwin 15754. Acts 1933; Burns 64-921; Baldwin 15919. Acts 1933, 1937; Burns, 1939 suppl., 64-2627, 64-2628; Baldwin, 1937 suppl., 16007, 16009. Board of County Comrs. v. *Templer* (1870), 34 Ind. 322; *La Plante v. State ex rel. Goodman* (1899), 152 Ind. 80, 52 N. E. 452.

<sup>34</sup> Acts 1813, ch. 8, sec. 24. Acts 1816-17, ch. 8, sec. 22; ch. 17, sec. 13; ch. 19, secs. 14, 15. Acts 1817-18 (general), ch. 42, secs. 19-22; ch. 43, sec. 21; ch. 44, sec. 13. Acts 1818-19, ch. 8, sec. 2. Acts 1819-20, ch. 46, secs. 1, 2. Rev. Laws 1824, ch. 22, sec. 6; ch. 23, sec. 8; ch. 24, sec. 10; ch. 30, secs. 1-3; ch. 56, sec. 4; ch. 86, secs. 21, 23. Acts 1825, ch. 21, sec. 4. Rev. Laws 1831, ch. 10, sec. 2; ch. 81, sec. 46. Acts 1824-35 (general), ch. 18. Rev. Stat. 1838, ch. 9, (first act), sec. 2. 1 Rev. Stat. 1852; Burns 44-204; Baldwin 5635. Acts 1883; Burns 49-142; Baldwin 13094. Acts 1895; Burns 49-1408; Baldwin 7583. Acts 1917; Burns 60-227; Baldwin 13878. Acts 1919; Burns 64-2507, 64-2508; Baldwin 15856, 15857. *Wood v. State ex rel. Canady* (1890), 125 Ind. 219, 25 N. E. 190; *Wood v. Board of County Comrs.* (1890), 125 Ind. 270, 25 N. E. 188.

recognizances,<sup>35</sup> suits to recover funds of certain decedents' estates unlawfully retained by an administrator,<sup>36</sup> suits before 1921 to recover costs of cutting hedge fences when the work was done at county expense,<sup>37</sup> suits against railroad companies to recover penalties for not graveling highway crossings,<sup>38</sup> suits to recover gambling losses,<sup>39</sup> injunction suits to prevent violation of laws concerning horse racing,<sup>40</sup> and injunction suits to prevent persons from engaging in business while delinquent in payment of gross income taxes.<sup>41</sup> He acts for the state when a surety on a forfeited recognizance sues the principal on the theory of subrogation of the rights of the state.<sup>42</sup> He prosecutes bastardy proceedings,<sup>43</sup> quo warranto proceedings,<sup>44</sup> and cases of surety of the peace.<sup>45</sup> He resists undefended divorce suits<sup>46</sup> and applications for change of names of persons; and protects the interests of all persons of unsound mind.<sup>47</sup> In lunacy proceedings he represents the person alleged to be insane.<sup>48</sup> He must be present at the hearing of proceedings to commit any person to a hospital operated by the trustees of Indiana University.<sup>49</sup> On

---

<sup>35</sup> Acts 1816-17, ch. 5, sec. 1. Acts 1817-18 (general), ch. 4, sec. 1. Rev. Laws 1824, ch. 57, sec. 1. Acts 1851-52, ch. 8, sec. 4. 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460. State v. Schloss (1883), 92 Ind. 293.

<sup>36</sup> Acts 1881 (Spec. Sess.); Burns 6-1605; Baldwin 3237.

<sup>37</sup> Acts 1891; Burns 30-303; Baldwin, 1935 suppl., 7648-1. Acts 1895; Burns 30-307; Baldwin 7649.

<sup>38</sup> Acts 1895; Burns 55-620; Baldwin 14119.

<sup>39</sup> 1 Rev. Stat. 1852; Burns 10-2323; Baldwin 2806. Ervin v. State *ex rel.* Walley (1897), 150 Ind. 332, 48 N. E. 249.

<sup>40</sup> Acts 1895; Burns 10-2711; Baldwin 9273.

<sup>41</sup> Acts 1933, 1937; Burns, 1939 suppl., 64-2613(c); Baldwin, 1937 suppl., 15993(c).

<sup>42</sup> Acts 1905; Burns 9-1045; Baldwin 2178.

<sup>43</sup> 2 Rev. Stat. 1852; Burns 3-622; Baldwin 867.

<sup>44</sup> Acts 1819-20, ch. 74, sec. 3. Rev. Stat. 1843, ch. 48, secs. 46, 58. 2 Rev. Stat. 1852 pt. 2, ch. 1, secs. 749, 750. Acts 1881 (Spec. Sess.), 1929; Burns 3-2001, 3-2002; Baldwin 1045, 1046. Acts 1897; Burns 49-821 to 49-823, 49-831; Baldwin 13154 to 13156, 13164.

<sup>45</sup> Acts 1905; Burns 9-511; Baldwin 2059. Davis v. State (1894), 38 Ind. 11, 37 N. E. 397.

<sup>46</sup> Acts 1817-18 (general), ch. 35, sec. 3. Rev. Laws 1831, ch. 31, sec. 9. Rev. Stat. 1838, ch. 31, sec. 8. Rev. Stat. 1843, ch. 35, sec. 69. Acts 1873, 1913; Burns 3-1212 to 3-1215; Baldwin 916 to 919. State v. Brinneman (1889), 120 Ind. 357, 22 N. E. 332; Scott v. Scott (1861), 17 Ind. 309.

<sup>47</sup> Acts 1851-52, ch. 8, sec. 4. 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460. Martin v. Matsinger (1891), 130 Ind. 555, 30 N. E. 523.

<sup>48</sup> 2 Rev. Stat. 1852, Acts 1895; Burns 8-202; Baldwin 3460. Chase v. Chase (1904), 163 Ind. 178, 71 N. E. 485; Martin v. Matsinger (1891), 130 Ind. 555, 30 N. E. 523.

<sup>49</sup> Acts 1939; Burns, 1939 suppl., 28-5416, 28-5417; Baldwin, 1939 suppl., 14078-89b, 14078-89c.

appeals from the medical examination board in license matters he represents that board.<sup>50</sup>

The Attorney General of Indiana holds conferences with all prosecuting attorneys concerning the enforcement of the state laws.<sup>51</sup>

The prosecuting attorney administers oaths<sup>52</sup> and performs the duties of notaries public.<sup>53</sup> He collects docket fees for his services in criminal prosecutions, divorce cases, suits on forfeited recognizances, and other suits which he is required to prosecute or defend, and pays such fees over to the county treasurer. He makes monthly reports to the board of commissioners concerning his activities and the amount of fees collected by him and turned over to the treasurer.<sup>54</sup>

The state board of accounts has prescribed forms for an appearance record, fee book, and cashbook, to be kept by the prosecuting attorney, and a monthly report to be made by him.<sup>55</sup>

210. MISCELLANEOUS [Criminal Causes]. 1929-. 3 f. b. Documents filed in criminal actions, including affidavits, subpoenas, summonses and verdicts, showing dates of document and filing, names of complainants, defendant and witnesses, cause number, nature of action, and court and jury verdicts. Arr. num. by cause nos. No index. Hdw. and typed. 10 x 4 x 15. Pros. atty. off.

211. FRAUDULENT CHECKS, 1929-. 1 f. b. Checks filed with prosecutor as evidence and copies of letters to the check writers concerning their payment, showing dates of check, filing and letter, names of payer, payee and financial institution, and number, nature and amount of check. Arr. alph. by names of payers. No index. Hdw. 10 x 4 x 15. Pros. atty. off.

<sup>50</sup> Acts 1897, 1899, 1901; Burns 63-1306; Baldwin 10707.

<sup>51</sup> Acts 1931, 1933, 1937; Burns, 1939 suppl., 49-2601; Baldwin, 1937 suppl., 7547.

<sup>52</sup> Acts 1901; Burns 49-2506; Baldwin 5462. *Lenciania v. State* (1929), 200 Ind. 526, 164

N. E. 271.

<sup>53</sup> Acts 1919; Burns 49-2507 to 49-2510; Baldwin 5463 to 5466.

<sup>54</sup> Rev. Laws 1824, ch. 24, sec. 13; ch. 86, secs. 22, 24, Acts 1825-26, ch. 44, sec. 4. Acts 1861 (Spec. Sess.), ch. 25, sec. 4; ch. 28, sec. 1. Acts 1871, ch. 17, sec. 5. Acts 1873, ch. 48, sec. 16. Acts 1875 (Spec. Sess.); Burns 49-2511; Baldwin 5468. Acts 1933, 1937; Burns, 1939 suppl., 49-2601; Baldwin, 1937 suppl., 7547. Acts 1933; Burns 49-2695; Baldwin 7550. *Opinions of the Attorney General of Indiana, 1938*, p. 238.

<sup>55</sup> Acts 1909; Burns 60-202; Baldwin 13855. Interview of May 18, 1939 with E. P. Brennan, state examiner.

## IX. COUNTY ASSESSOR

## LEGAL STATUS

The office of county assessor exists under the mandatory provisions of an act of 1919, as amended in 1921. The assessor is elected for a 4-year term by the voters of the county, and holds office until his successor has been elected and qualified. He receives a certificate of election from the clerk of the circuit court and is not commissioned by the governor. The assessor must be an elector of the county at the time of his election, must have been a resident freeholder thereof throughout the preceding 4 years, must reside within the county after his election, and must not hold any other lucrative office. He must post bond in the amount of \$5,000, to be approved by and filed with the auditor.<sup>1</sup> The assessor must take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.<sup>2</sup>

The assessor receives a regular salary of \$1,400 per year, plus \$2.50 for each day spent in conference with the state board of tax commissioners, together with actual railroad fare to and from the place of holding such conferences.<sup>3</sup> For his services as appraiser of decedents' estates, the circuit court allows him compensation between \$1 and \$50 for each estate appraised, based on the value thereof.<sup>4</sup> He is entitled to reimbursement for expenses when temporarily working outside Monroe County under direction of the board of commissioners.<sup>5</sup> He is not permitted to retain, as compensation for himself, any fees collected by him, other than as stated above.<sup>6</sup>

For sufficient legal grounds the assessor may be removed from office by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by the oath

---

<sup>1</sup> Const. 1851, art. 2, sec. 9; art. 6, secs. 4, 6; art. 15, secs. 3, 6. Acts 1817-18 (general), ch. 42, sec. 3. 1 Rev. Stat. 1852; Burns 49-201, 49-202; Baldwin 13095, 13096. Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

<sup>2</sup> Const. 1816, art. 11, sec. 1. Const. 1851, art. 15, sec. 4. Acts 1816-17, ch. 19, sec. 1. Acts 1817-18 (general), ch. 42, sec. 3. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054. Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

<sup>3</sup> Acts 1817-18 (general), ch. 42, sec. 23. Acts 1933; Burns 49-1004, 49-1011; Baldwin 7534, 7541. Acts 1919; Burns 64-1103; Baldwin 15698.

<sup>4</sup> Acts 1931, 1933, 1939; Burns, 1939 suppl., 6-2408; Baldwin, 1939 suppl., 15946.

<sup>5</sup> Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

<sup>6</sup> Acts 1933; Burns 49-1005; Baldwin 7535.



of any person; and such removal is subject to review by the supreme court.<sup>7</sup> If the assessor is convicted of a felony the judgment of conviction must declare his office vacant.<sup>8</sup> For incompetency, neglect of duty, or misconduct in office, the assessor may be removed from office by the state board of tax commissioners after a hearing by that board. On appeal to the circuit court he may have a trial *de novo* on the charges sustained by the state board.<sup>9</sup>

Any vacancy in the office of assessor is filled through appointment by the board of commissioners. At the next biennial general election (held on the 1st Tuesday after the 1st Monday in November in the even-numbered years), an assessor is elected for the remainder of the term in which the vacancy occurred. The person appointed or elected to fill a vacancy must take oath and post bond, as was required of his predecessor; and he holds office until his successor is elected and qualified.<sup>10</sup>

Subject to the approval of the board of commissioners, the assessor may appoint one or more deputies to serve no more than 30 days in any calendar year. Each deputy receives \$4 per day as compensation. They have the same qualifications, powers, and duties as the assessor, are subject to his control and direction, and must take the oath of office required of the assessor.<sup>11</sup> With the approval of the board of commissioners, the assessor may also employ clerical assistants who shall each receive compensation not exceeding \$5 per day, pursuant to appropriation by the county council.<sup>12</sup>

From the organization of Monroe County in 1818<sup>13</sup> until 1841, assessors (often called listers) were appointed annually by the board doing county business, to list all property

---

<sup>7</sup> Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

<sup>8</sup> Acts 1897, 1899; Burns 49-834; Baldwin 13050.

<sup>9</sup> Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

<sup>10</sup> Const. 1851, art. 6, sec. 9. Rev. Stat. 1843, ch. 7, sec. 61. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081. 1 Rev. Stat. 1852; Burns 49-405, 49-408, 49-409; Baldwin 13104, 13106, 13107. Acts 1919, 1921; Burns 64-1101; Baldwin 15696. *Douglass v. State ex rel. Wright* (1869), 31 Ind. 429. *Opinions of the Attorney General of Indiana, 1936*, p. 9. Interview of July 11, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

<sup>11</sup> 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054. Acts 1919; Burns 64-1102; Baldwin 15698.

<sup>12</sup> Acts 1933; Burns 49-1011; Baldwin 7541.

<sup>13</sup> Acts 1817-18 (special), ch. 6, sec. 1.

subject to taxation and to determine the value thereof (where the tax was based on value).<sup>14</sup> Under acts of 1824 and 1831 any person refusing to accept his appointment as assessor was subject to a penalty of \$25.<sup>15</sup> An act of February 10, 1841 provided for the election of a county assessor in each county for a 2-year term.<sup>16</sup> The office of county assessor was abolished in 1852, and the duties thereof were transferred to township assessors elected for 2-year terms.<sup>17</sup> From 1841 to 1872 real property was assessed by appraisers appointed, from time to time as needed, by the board of commissioners.<sup>18</sup> The elective office of county assessor (2-year term) replaced that of appraiser in 1872;<sup>19</sup> but in 1875 the office was abolished, and the duties were transferred to township assessors elected for 2-year terms.<sup>20</sup> An act of March 6, 1891 reestablished the office of county assessor. Under this law the assessor was elected for a 4-year term, and was not eligible for reelection until 4 years after the expiration of the term for which he was elected. He was required to be a resident freeholder and householder of the county not less than 5 years before the date of his election.<sup>21</sup> The act of 1891 was superseded by the act of 1919 mentioned in the first paragraph herein. In 1933 the office of township assessor was abolished in each township having a population not exceeding 5,000 (all townships except Bloomington and Perry), and the duties of the office were transferred to the township trustee.<sup>22</sup> Reference hereinafter to township assessors includes township trustees performing the duties prescribed by statutes for township assessors.

---

<sup>14</sup> Acts 1807, ch. 51, sec. 11; ch. 92, sec. 1. Acts 1811, ch. 35, secs. 1, 17. Acts 1813-14, ch. 32, secs. 1-3. Acts 1816-17, ch. 19, secs. 1-6, 8, 16. Acts 1817-18 (special), ch. 36, sec. 3. Acts 1817-18 (general), ch. 42, sec. 1. Rev. Laws 1824, ch. 15, sec. 7; ch. 86, secs. 5-7. Rev. Laws 1831, ch. 81, secs. 3-5. Rev. Stat. 1838, ch. 21, sec. 12.

<sup>15</sup> Rev. Laws 1824, ch. 86, sec. 29. Rev. Laws 1831, ch. 81, sec. 4.

<sup>16</sup> Acts 1840-41 (general), ch. 3, sec. 1.

<sup>17</sup> 1 Rev. Stat. 1852, ch. 6, sec. 64; ch. 92, sec. 1.

<sup>18</sup> Acts 1840-41 (general), ch. 1, secs. 1-12, 20. Acts 1850-51 (general), ch. 5, sec. 1. 1 Rev. Stat. 1852, ch. 6, secs. 44, 45. Acts 1858 (Spec. Sess.), ch. 2, sec. 1.

<sup>19</sup> Acts 1872 (Spec. Sess.), ch. 37, secs. 107, 276.

<sup>20</sup> Acts 1875, ch. 97, secs. 2, 7, 9.

<sup>21</sup> Acts 1891, ch. 99, sec. 112.

<sup>22</sup> Acts 1933; Burns 64-1031; Baldwin 15664.

## FUNCTIONS AND RECORDS

The duties of the county assessor are to examine tax duplicates and other records and papers in the offices of the auditor, treasurer, recorder, clerk, sheriff, and surveyor, together with the returns of the township assessors; to discover, list, and assess (after notice to the owner) all omitted property of every kind, entering his valuations in a separate column on the township assessors' books; to receive lists of registrations of motor vehicles and trailers from the state motor vehicle commissioner, and to check, verify, and ascertain that all motor vehicles and trailers owned by the listed registrants residing in the county are listed on the assessment lists of the county; to advise and instruct the township assessor; to report to the state board of tax commissioners any incompetency or neglect of duty on the part of township assessors;<sup>23</sup> and determine the value of taxable intangibles.<sup>24</sup> Under appointments by the circuit court, he serves as appraiser of estates in the administration of the inheritance tax law.<sup>25</sup> He appraises school property in accordance with laws concerning transfer of pupils from one school to another.<sup>26</sup> He is a member and president of the county board of review.<sup>27</sup> His work is under the direction of the state board of tax commissioners.<sup>28</sup> Formerly the county assessor made out the assessment rolls (now made by the auditor),<sup>29</sup> took a census of deaf mutes in the county (now done by township assessors),<sup>30</sup> and

---

<sup>23</sup> Acts 1927, 1937; Burns, 1939 suppl., 47-129; Baldwin, 1937 suppl., 11145. Acts 1919; Burns 64-1102; Baldwin 15698. *McConnell v. Hampton* (1905), 161 Ind. 547, 73 N. E. 1032. *Thirty-Ninth Annual Conference of the State Board of Tax Commissioners and County Assessors of Indiana, December 20, 21, 22, 1939* (1940), 22-30, 53-139.

<sup>24</sup> Acts 1933, 1935; Burns, 1939 suppl., 64-905; Baldwin, 1935 suppl., 15963. "Valuation of Intangibles," *Thirty-Ninth Annual Conference of the State Board of Tax Commissioners and County Assessors of Indiana, December 20, 21, 22, 1939* (1940), 39-53.

<sup>25</sup> Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1931, 1933, 1939; Burns, 1939 suppl., 6-2403; Baldwin, 1939 suppl., 15946. "Inheritance Tax," *Thirty-Ninth Annual Conference of the State Board of Tax Commissioners and County Assessors of Indiana, December 20, 21, 22, 1939* (1940), 32-39.

<sup>26</sup> Acts 1901, 1909, 1915, 1921; Burns 28-3704; Baldwin 6288.

<sup>27</sup> Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

<sup>28</sup> Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

<sup>29</sup> Rev. Laws 1824, ch. 86, secs. 4, 5, 7. Acts 1838-39 (general), ch. 14, secs. 14, 15. Rev. Stat. 1843, ch. 12, sec. 28. Acts 1919; Burns 64-1403, 64-1406; Baldwin 15740, 15745.

<sup>30</sup> Acts 1838-39 (general), ch. 41, sec. 1. Acts 1849-50 (general), ch. 17, sec. 4. Acts 1859, ch. 7, secs. 1, 2. Acts 1931, ch. 99, sec. 54. Acts 1919; Burns 64-607; Baldwin 15575.

kept a book showing the names of all blind, dumb, deaf, or insane persons in the county.<sup>31</sup>

Assessments by the county assessor under the property tax laws are subject to review by the county board of review. Such assessments are also reviewable by the circuit court on the question of taxability of the property.<sup>32</sup>

The assessor must return to the auditor, on or before the 1st Monday after July 4 each year, all township assessors' books, returns, lists, schedules, maps, and other papers received by him from the auditor, together with such additional lists, assessments, books, and papers as he has made thereto.<sup>33</sup> He is not required to keep any records permanently.<sup>34</sup>

212. STATE BOARD ORDERS TO RE-ASSESS, 1926-. 1 f. b. Orders issued by state board of tax commissioners to change assessments of property, showing dates of order, filing and petition for re-assessment, name of property owner, and location, description and prior and present assessed valuation of property. Arr. chron. by dates of filing. No index. Hdw. and typed. 10 x 4 x 15. Aud. and treas. rec. rm.

213. INHERITANCE TAX APPRAISALS, Jan. 1939-. 5 f. d. Appraiser's report of valuation of estates, showing dates of report and filing, cause number, names of decedent, heirs or legatees, executor or administrator, attorneys and appraiser, description and face and market valuation of personal property, location, description and assessed and market value of real property, and total value of estate. No obvious arr. No index. Hdw. 1 f. d., 16 x 12 x 12; 4 f. d., 10 x 6 x 16. Assr. off.

For other inheritance tax records, see entry 233.

214. CREDITS RETURNED, 1903-15. 3 vols. (1-3). Discontinued.

Record of valuation of intangible property by various township assessors, showing classification and amounts of assets and liabilities, names of owner and taxing unit, net valuation, and computation of tax. Arr. by names of taxing units, thereunder alph. by names of owners. No index. Hdw. 200 pp. 14 x 9 x 2. Bsmt. stor. rm.

For other intangible tax records, see entries 234, 235.

---

<sup>31</sup> Acts 1849-50 (general), ch. 17, secs. 2, 3.

<sup>32</sup> Acts 1919, 1920 (Spec. Sess.); Burns 64-1201, 64-1205; Baldwin 15700, 15704. Acts 1919, 1927; Burns 64-2103; Baldwin 15804. This statement of the scope of the appeal was suggested by Philip Zoercher, chairman of the state board of tax commissioners.

<sup>33</sup> Acts 1919; Burns 64-1102; Baldwin 15698.

<sup>34</sup> Interview of May 18, 1939 with E. P. Brennan, state examiner.



## 215. BLOOMINGTON, 1904. 2 maps.

Political and communication maps of Bloomington, showing date of map, names and locations of subdivisions, streets, public and industrial properties and railroads, and lot, block and section numbers. Drawn by U. S. Hanna, Bloomington. Black and white. Scale: 1" to 160'. 48 x 72. Assr. off.

## 216. REVISED CITY MAP OF BLOOMINGTON, 1935. 1 map.

Communication map of Bloomington, showing date of map, subdivisions, blocks and lots, public and industrial properties, railroads, and streets and alleys. Ptd. No scale given. 16 x 16. Assr. off.

## X. COUNTY BOARD OF REVIEW

## LEGAL STATUS

The county board of review exists under the mandatory provisions of an act of 1919. The board is composed of the county assessor, auditor, and treasurer, and two freeholders of the two major political parties, appointed annually by the judge of the circuit court.<sup>1</sup> An appointed member must be an elector of the county at the time of his appointment, must have been an inhabitant thereof throughout the preceding year, and must reside within the county after his appointment.<sup>2</sup> Every member must take an oath that he will support the state and federal constitutions and will faithfully discharge his duties as a member of the board of review and will assess, review, and equalize the assessment of all property of the county according to the true cash value of such property.<sup>3</sup> The assessor and auditor, are, respectively, the president and secretary of the county board of review.<sup>4</sup>

The appointed members of the county board of review receive, as compensation, \$5 for each day actually served as members of the board. Allowance therefor is made by the board of commissioners on claims supported by the certificate of the assessor. The assessor, auditor, and treasurer receive no compensation, in addition to their regular salaries,

---

<sup>1</sup> Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

<sup>2</sup> Const. 1851, art. 6, secs. 4, 6.

<sup>3</sup> *Ibid.*, art. 15, sec. 4. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

<sup>4</sup> Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

for their services on the board of review. Before 1933 the auditor and treasurer received, in addition to their regular salaries, \$5 per day for each day actually served as members of the board.<sup>5</sup>

For sufficient legal grounds any member of the county board of review may be removed by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.<sup>6</sup> If any member is convicted of a felony the judgment of conviction must declare his office vacant.<sup>7</sup> The judge of the circuit court fills vacancies as to members appointed by him.<sup>8</sup> Any vacancy in the office of the other members is filled by replacement in the office of county assessor, auditor, or treasurer, as the case may be, the membership in the board of review being an incident to such office.<sup>9</sup>

Before 1919 duties analogous to those of the present board of review were performed by the following officers and boards: From the organization of the county in 1818<sup>10</sup> through 1823, board of commissioners;<sup>11</sup> 1824 through 1838, clerk of the circuit court and assessors or listers;<sup>12</sup> 1839 through 1840, board of commissioners, clerk of the circuit court, and assessors or listers;<sup>13</sup> 1841, board of commissioners, county assessor, and auditor (personal property only); 1841, board of equalization, composed of the board of commissioners, auditor, and appraiser (real estate only);<sup>14</sup> 1842 through 1852, board of equalization, consisting of the board of commissioners, county assessor, and auditor;<sup>15</sup> 1853 through 1871,

<sup>5</sup> Acts 1933; Burns 49-1001, 49-1004; Baldwin 7531, 7534. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201, 64-1204; Baldwin 15700, 15703. *Opinions of the Attorney General of Indiana, 1934*, p. 313; 1936, p. 130.

<sup>6</sup> Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

<sup>7</sup> Acts 1897, 1899; Burns 49-834; Baldwin 13050.

<sup>8</sup> Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

<sup>9</sup> See the essays entitled "Auditor," "County Assessor," and "Treasurer."

<sup>10</sup> Acts 1817-18 (special), ch. 6, sec. 1.

<sup>11</sup> Acts 1816-17, ch. 19, sec. 7. Acts 1817-18 (general), ch. 42, sec. 12.

<sup>12</sup> Rev. Laws 1824, ch. 86, sec. 7. Acts 1825, ch. 47, sec. 3. Rev. Laws 1831, ch. 81, secs. 5, 7, 8.

<sup>13</sup> Acts 1838-39 (general), ch. 14, secs. 5, 14, 15.

<sup>14</sup> *Ibid.* Acts 1840-41 (general), ch. 1, secs. 9, 13.

<sup>15</sup> Acts 1840-41 (general), ch. 1, sec. 18.

board of equalization, composed of the board of commissioners, auditor, and assessors (personal property only);<sup>16</sup> 1853 through 1871, board of equalization, made up of the board of commissioners, auditor, and appraiser or appraisers (real estate only);<sup>17</sup> 1872 through 1880, board of equalization, including the board of commissioners, county assessor, and auditor;<sup>18</sup> 1881 through 1890, board of equalization, consisting of the board of commissioners and four freeholders (from different parts of the county) appointed by the circuit judge;<sup>19</sup> 1891 through 1894, board of review, whose members were the county assessor, auditor, and treasurer;<sup>20</sup> and 1895 through 1918, as at present, a board of review, composed of the county assessor, auditor, treasurer, and two freeholders appointed by the circuit judge.<sup>21</sup>

In each township having a population not exceeding 5,000 (all townships except Bloomington and Perry), the office of township assessor has been abolished and the duties of such office are performed by the township trustee. Reference hereinafter to the township assessor includes the township trustee performing the duties prescribed by statutes for township assessors.<sup>22</sup>

#### FUNCTIONS AND RECORDS

Personal property is assessed each year as of March 1.<sup>23</sup> Reassessment of lands, lots, or improvements can be made only when ordered by the state board of tax commissioners—the old assessment remaining in effect until changed.<sup>24</sup> Without such order any omitted lands, lots, improvements, or personal property may be assessed by a township assessor,<sup>25</sup> the

---

<sup>16</sup> 1 Rev. Stat. 1852, ch. 6, sec. 91.

The Revised Statutes of 1852 became effective on May 6, 1853. *Jones v. Cavins* (1853), 4 Ind. 305.

<sup>17</sup> 1 Rev. Stat. 1852, ch. 35, sec. 2. *Jones v. Cavins* (1853), 4 Ind. 305.

<sup>18</sup> Acts 1872 (Spec. Sess.), ch. 37, secs. 150, 277, 278.

<sup>19</sup> Acts 1881 (Spec. Sess.), ch. 96, sec. 129.

<sup>20</sup> Acts 1891, ch. 99, sec. 114.

<sup>21</sup> Acts 1895, ch. 36, sec. 2.

<sup>22</sup> Acts 1933; Burns 64-1031; Baldwin 15664.

<sup>23</sup> Acts 1919; Burns 64-103, 64-401, 64-402; Baldwin 15516, 15524, 15526.

<sup>24</sup> Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019; Baldwin, 1937 suppl, 15685.

Interview of March 29, 1940 with Philip Zoercher, chairman of the state board of tax commissioners.

<sup>25</sup> *Ibid.* Acts 1919; Burns 64-1025; Baldwin 15692.

county assessor,<sup>26</sup> the auditor,<sup>27</sup> or the board of review;<sup>28</sup> and any newly platted additions to a city or town (though assessed the previous year by a different description) may be assessed by the auditor.<sup>29</sup>

The county board of review hears complaints of taxpayers concerning new assessments (except those made by the state board of tax commissioners), reviews and corrects such assessments, and equalizes new property valuations. The tax list prepared by the county assessor and township assessors stands except in the particulars where it is changed by the board. The board has power to set aside the new assessments for the whole county or a whole taxing unit therein and to order another assessment by the county assessor and township assessors under instructions from the board.<sup>30</sup> The action of the board is subject to review by the state board of tax commissioners.<sup>31</sup> On questions of law concerning valuation of property, the decisions of the board of review and of the state board of tax commissioners may be reviewed by the circuit court; and appeal (on law and facts) may be taken from the board of review to the circuit court on the question of the property's taxability.<sup>32</sup>

The board of review evaluates and assesses the franchises, privileges, and capital stock of certain classes of corporations, and reviews the assessments of the tangible property of such corporations. Reports filed by these corporations with the county assessor are examined by the board. From the findings of the board the auditor computes the corporation taxes to be placed on the tax duplicate. This action of the county board is reviewable by the state board of tax commissioners.<sup>33</sup>

---

<sup>26</sup> Acts 1919; Burns 64-1102; Baldwin 15698.

<sup>27</sup> Acts 1919; Burns 64-1402, 64-2102; Baldwin 15739, 15803.

<sup>28</sup> Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

<sup>29</sup> Acts 1919; Burns 64-1027; Baldwin 15691.

<sup>30</sup> Acts 1919, 1920 (Spec. Sess.); Burns 64-1201, 64-1205; Baldwin 15700, 15704. "Uniformity of Assessments," *Thirty-Ninth Annual Conference of the State Board of Tax Commissioners and County Assessors of Indiana, December 20, 21, 22, 1939* (Indianapolis, 1940), pp. 54-57.

<sup>31</sup> Acts 1919, 1935; Burns, 1939 suppl., 64-1321; Baldwin, 1935 suppl., 15725. State board of tax commissioners, tax rule 6.

<sup>32</sup> Acts 1927; Burns 64-1020; Baldwin 15686. Acts 1919, 1927; Burns 64-2103; Baldwin 15804. This statement of the scope of the appeal was suggested by Philip Zoercher, chairman of the state board of tax commissioners.

<sup>33</sup> Acts 1919, 1921; Burns 64-723, 64-724; Baldwin 15637, 15638.



Sworn written statements to obtain tax exemptions of mortgaged realty and to obtain tax exemptions of realty and personalty used for educational, charitable, religious, fraternal, literary, or scientific purposes are filed with the auditor each year and are presented by him to the board of review for decision thereon. The action of the board of review is reviewable by the state board of tax commissioners.<sup>34</sup>

The board of review holds an annual meeting beginning on the 1st Monday of June;<sup>35</sup> and the session can last 40 days in any year in which the state board of tax commissioners orders reassessment of any real estate in the county, and 30 days in other years. Additional time for completing this board's duties may be allowed by the state board of tax commissioners.<sup>36</sup> A majority of all the members of the board of review constitutes a quorum for the transaction of business, and such majority must concur in decisions of the board. The sheriff serves all of the board's process not served by the assessor, and obeys all orders of the board. The auditor, as secretary, is required to keep full and accurate minutes of the proceedings of the board.<sup>37</sup> The county assessor, as president, keeps an attendance record; and, at the close of the session, certifies to the board of commissioners the number of days actually served by each member.<sup>38</sup>

217. COUNTY BOARD OF REVIEW RECORD, 1891-. 2 vols. Minutes of meetings of board of review, showing date and place of meeting, subjects discussed, names of members present, and action taken. Arr. chron. by dates of meetings. Indexed alph. by subjects discussed. Hdw. and typed. 450 pp. 16 x 11 x 2. 1 vol., 1891-1908, aud. and treas. rec. rm.; 1909-, aud. off.

---

<sup>34</sup> Acts 1919, 1939; Burns, 1939 suppl., 64-209 to 64-211; Baldwin, 1939 suppl., 15565 to 15567. Acts 1937; Burns, 1939 suppl., 64-213; Baldwin, 1937 suppl., 15518-2.

No application for exemption is required as to property of the State of Indiana, the United States, municipal corporations, political subdivisions of the state, churches, state accredited schools, hospitals, and college fraternities and sororities. Acts 1937; Burns, 1939 suppl., 64-215; Baldwin, 1937 suppl., 15518-4.

<sup>35</sup> Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

<sup>36</sup> Acts 1919; Burns 64-1205; Baldwin 15704. Tax rule 6 (as amended July 1, 1939) of the state board of tax commissioners.

<sup>37</sup> Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

<sup>38</sup> Acts 1919; Burns 64-1204; Baldwin 15703.

218. BOARD OF REVIEW, 1895-. 1 wood box, 2 f. b. Instruments relative to business transactions of board of review, including: Notices of appointments, certifications of oaths, minutes of meetings and notices to taxpayers of meetings to revise or correct assessments, showing dates of instrument, meeting, service and filing, names of members and taxpayers, and data of instruments. Arr. chron. by dates of filing. No index. Hdw. and typed. Wood box, 48 x 30 x 24; f. b., 10 x 4 x 15. 1 wood box, 1895-1926, bsmt. stor. rm.; 2 f. b., 1927-, aud. and treas. rec. rm.

219. RECORD OF NOTICES SENT, 1898-1915. 1 vol. Discontinued.

Record of notices to taxpayers of meetings to consider tax adjustments, showing dates of notice and meeting, name and address of taxpayer, location and description of property, method of serving notice, prescribed manner of taxpayer's representation, and nature of adjustment. Arr. chron. by dates of notices. No index. Hdw. 205 pp. 18 x 11 x 2½. Bsmt. stor. rm.

## XI. COUNTY BOARD OF TAX ADJUSTMENT

### LEGAL STATUS

The county board of tax adjustment exists under the mandatory provisions of an act of 1937. The board consists of seven members, chosen as follows: One member of the county council, selected by the council; the mayor of the city of Bloomington or any public official of the city appointed by him; one member of the board of school trustees of the city of Bloomington, selected by that board; and four persons who are citizens and freeholders of the county, appointed before April 15 each year by the judge of the circuit court, to hold office until April 15 of the following year. No more than four of the seven members of the board of tax adjustment may be members of the same political party. Each member must be an elector of the county at the time of his appointment, must have been an inhabitant thereof throughout the preceding year, must reside within the county after his appointment, and must take an oath to support the state and federal constitutions and faithfully discharge the duties of his office.<sup>1</sup>

---

<sup>1</sup> Const. 1851, art. 6, secs. 4, 6; art. 15, sec. 4. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054. Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

The county board of tax adjustment elects a chairman and a vice chairman from among its members; and the auditor acts as clerk, but has no vote in its proceedings. The members of the board serve without compensation. The board may employ one of the examiners of the state board of accounts to assist in the duties of the county board of tax adjustment; and the auditor pays from county funds the expenses in connection with such employment.<sup>2</sup>

For sufficient legal grounds any member of the county board of tax adjustment may be removed by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.<sup>3</sup> If any member is convicted of a felony the judgment of conviction must declare his office vacant.<sup>4</sup> A vacancy in the office of any member is filled in the manner provided by law for filling such office originally.<sup>5</sup>

Before 1932 no county officer or board performed duties analogous to those of the county board of tax adjustment, except that in 1920 the county's tax levies were reviewable by the county council.<sup>6</sup> Since 1919, with the exception of 1920, the budgets, tax levies, and tax rates of the county and the taxing units therein have been reviewable directly by the state board of tax commissioners in certain instances.<sup>7</sup> Before 1919 the sole remedy of a taxpayer to obtain a review of such budgets, tax levies, or tax rates was to apply to a court for an injunction.<sup>8</sup>

A county board of tax adjustment, having functions similar to those of the present board, was established under a mandatory act of 1932, and another was established under a

---

<sup>2</sup> Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

<sup>3</sup> Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

<sup>4</sup> Acts 1897, 1899; Burns 49-834; Baldwin 13050.

<sup>5</sup> Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

<sup>6</sup> Acts 1920 (Spec. Sess.), ch. 49, sec. 3. Interview of May 22, 1939 with Philip Zoercher, chairman of the state board of tax commissioners.

<sup>7</sup> Acts 1919, 1920 (Spec. Sess.); Burns 64-1303, 64-1329, 64-1330; Baldwin 15707, 15733, 15734. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

<sup>8</sup> Toledo & W. R. Co. v. Lafayette (1864), 22 Ind. 262; First Nat. Bank v. Greger (1901), 157 Ind. 479, 62 N. E. 21. Interview of May 22, 1939 with Philip Zoercher, chairman of the state board of tax commissioners.

mandatory act of 1933 which superseded the 1932 act. The board established under the act of 1932 was composed of seven members, namely, the auditor, three members of the county council (selected annually by the council), and three members appointed annually by the judge of the circuit court. The board established under the act of 1933 was composed of seven members appointed for 1-year terms. One member was appointed by the county council from the members of the council. The other six members were appointed by the judge of the circuit court, as follows: A township trustee; the mayor of a city or the president of the board of trustees of a town; a member of the board of school commissioners, board of school trustees, or board of education of a school city or school town; and three resident freeholders of the county at large, not holding any other public office by virtue of an election held or appointment made within the county, and not closely related to the executive head of any municipal corporation of which the board of tax adjustment had jurisdiction.<sup>9</sup>

#### FUNCTIONS AND RECORDS

The board of tax adjustment reviews budgets, tax levies, and tax rates adopted by the county council for the county and also those adopted by the several taxing units within the county.<sup>10</sup> The action of the board of tax adjustment is subject to review by the state board of tax commissioners.<sup>11</sup>

The board of tax adjustment meets on the 2d Monday in September each year, and from day to day thereafter as its business requires, and must complete its duties on or before October 1.<sup>12</sup> The auditor, as clerk, keeps a complete record of the proceedings of the board.<sup>13</sup>

220. [BOARD OF TAX ADJUSTMENT RECORD], 1933-. In County Council Record, entry 23.

Minutes of meetings of board of tax adjustment, showing date and place of meeting, names of members present, nature of business discussed, and action taken.

---

<sup>9</sup> Acts 1932 (Spec. Sess.), ch. 10, sec. 4. Acts 1933, ch. 237, sec. 4.

<sup>10</sup> Acts 1899; Burns 26-515; Baldwin 5379. Acts 1937; Burns, 1939 suppl., 64-310, 64-311; Baldwin, 1937 suppl., 15897-4, 15897-5.

<sup>11</sup> Acts 1937; Burns, 1939 suppl., 64-311, 64-314; Baldwin, 1937 suppl., 15897-5, 15897-8.

<sup>12</sup> Acts 1937; Burns, 1939 suppl., 64-310, 64-311; Baldwin, 1937 suppl., 15897-4, 15897-5.

<sup>13</sup> Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.



221. [TAX ADJUSTMENT BOARD DOCUMENTS], 1937-. In County Council, Budgets & Tax Levies, Appropriations, entry 24.

Documents relative to board of tax adjustment, including:

- i. Certificates of appointment of members, showing date of appointment, name of appointee, and oath of office.
- ii. Minutes of meetings, showing same information as in entry 220.

## XII. BOARD OF FINANCE

### LEGAL STATUS

The board of finance of Monroe County exists under the mandatory provisions of the Depository Act of 1937. Previous similar boards existed under acts of 1907 and 1935. The board of finance consists of the county commissioners of Monroe County. The county auditor is secretary.<sup>1</sup>

The county auditor and the county commissioners receive no compensation for their services as secretary and members, respectively, of the board of finance. From 1907 to 1932, and in 1935 and 1936, the auditor received \$50 per year.<sup>2</sup>

Before 1907 no county officer or board performed duties analogous to those of the board of finance.<sup>3</sup>

### FUNCTIONS AND RECORDS

The board of finance has supervision of all public funds of the county and of the safekeeping and deposit thereof.<sup>4</sup> It designates the banks and trust companies to serve as deposi-

---

<sup>1</sup> Acts 1907, ch. 222, sec. 6 (repealed by Acts 1935, ch. 70, sec. 42). Acts 1935, ch. 70, secs. 7, 43 (repealed by Acts 1937, ch. 3, sec. 42). Acts 1937; Burns, 1939 suppl., 61-629, 61-663; Baldwin, 1937 suppl., 13844-50, 13844-84. For laws concerning eligibility, oath, and removal of these officers, see the essays entitled "Auditor" and "Board of Commissioners."

<sup>2</sup> Acts 1907, ch. 222, sec. 7 (repealed by Acts 1935, ch. 70, sec. 42). Acts 1935, ch. 70, sec. 7 (repealed by Acts 1937, ch. 3, sec. 42). Acts 1933; Burns 49-1001, 49-1004; Baldwin 7531, 7534. Acts 1937; Burns, 1939 suppl., 61-629; Baldwin, 1937 suppl., 13844-50. *Opinions of the Attorney General of Indiana, 1934*, p. 313; 1936, p. 130.

<sup>3</sup> Interview of May 31, 1939 with E. P. Brennan, state examiner.

<sup>4</sup> Acts 1937; Burns, 1939 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

Defunct depositories. *Opinions of the Attorney General of Indiana, 1939*, p. 247.

teries for county funds,<sup>5</sup> and for all fees and funds received by the clerk of the circuit court by virtue of his office.<sup>6</sup> It may revoke the commission of any depository at any time.<sup>7</sup> In the name of "The Board of Finance of Monroe County," the board may sue and be sued in any action in any court of competent jurisdiction.<sup>8</sup>

The board of finance holds an annual meeting on the 3d Monday in January, at which it elects its president;<sup>9</sup> and holds a biennial meeting on the 3d Monday in February, in the odd-numbered years, at which it considers proposals and designates depositories for the ensuing 2-year period.<sup>10</sup> The board holds sessions whenever necessary to discharge its duties and accomplish the purposes of the laws governing it. A majority of the members constitutes a quorum for the transaction of business. All meetings are open to the public.<sup>11</sup>

The board keeps as permanent records the depositories' monthly statements of deposits.<sup>12</sup> The auditor, as secretary of the board of finance,<sup>13</sup> keeps a record of its proceedings. All records of the board are subject to public inspection.<sup>14</sup>

222. RECORD OF BOARD OF FINANCE, 1907-. 1 vol. (1).

Minutes of meetings of board of finance, showing date and place of meeting, names of members present, nature of business discussed, and action taken. Arr. chron. by dates of meetings. No index. Hdw. 432 pp. 16 x 12 x 2. Aud. off.

223. DEPOSITORY INTEREST, 1926-. 4 f. b.

Monthly statements of depositories, showing date of statement, names of depository and fund, amounts of deposits, withdrawals and interest earned, and balances at beginning and end of month. Arr. chron. by dates of statements. No index. Hdw. 10 x 4 x 15. Aud. and treas. rec. rm.

---

<sup>5</sup> Acts 1937; Burns, 1939 suppl., 61-634 to 61-636; Baldwin, 1937 suppl., 13844-55 to 13844-57.

<sup>6</sup> Acts 1937; Burns, 1939 suppl., 61-673; Baldwin, 1937 suppl., 1438-1.

<sup>7</sup> Acts 1937; Burns, 1939 suppl., 61-636; Baldwin, 1937 suppl., 13844-57.

<sup>8</sup> Acts 1937; Burns, 1939 suppl., 61-633; Baldwin, 1937 suppl., 13844-54.

<sup>9</sup> *Ibid.*

<sup>10</sup> Acts 1937; Burns, 1939 suppl., 61-636; Baldwin, 1937 suppl., 13844-57.

<sup>11</sup> Acts 1937; Burns, 1939 suppl., 61-633; Baldwin, 1937 suppl., 13844-54.

<sup>12</sup> Acts 1937; Burns, 1939 suppl., 61-638; Baldwin, 1937 suppl., 13844-59.

<sup>13</sup> Acts 1937; Burns, 1939 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

<sup>14</sup> Acts 1937; Burns, 1939 suppl., 61-633; Baldwin, 1937 suppl., 13844-54.

## XIII. COUNTY SCHOOL FUND BOARD

## LEGAL STATUS

The county school fund board exists under the mandatory provisions of an act of 1935. The board is composed of the county auditor, the clerk of the circuit court, and one member appointed by the judge of the circuit court for a 2-year term. No more than two members of the board may be adherents of the same political party.<sup>1</sup> The appointed member must be an elector of the county at the time of his appointment, must have been an inhabitant thereof throughout the preceding year, must reside within the county after his appointment,<sup>2</sup> and must take an oath to support the state and federal constitutions and faithfully discharge his duties.<sup>3</sup>

The appointed member of the county school fund board receives, as compensation, \$2 for each loan made by the board, which amount is taxed as a part of the costs and is paid by the borrower. The auditor and the clerk of the circuit court receive no compensation, in addition to their regular salaries, for their services on the county school fund board.<sup>4</sup>

For sufficient legal grounds any member of the county school fund board may be removed by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by oath of any person; and such removal is subject to review by the supreme court.<sup>5</sup> If any member is convicted of a felony the judgment of conviction must declare his office vacant.<sup>6</sup> The judge of the circuit court fills the vacancy as to the member appointed by him.<sup>7</sup> Any vacancy in the office of the other members is filled by replacement in the office of the county auditor or clerk of the circuit court, as the

---

<sup>1</sup> Acts 1865, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6558.

<sup>2</sup> Const. 1851, art. 6, secs. 4, 6.

<sup>3</sup> Const. 1851, art. 15, sec. 4. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

For the qualifications and oath of the ex officio members, see the essays entitled "Auditor" and "Clerk of the Circuit Court."

<sup>4</sup> 1 Rev. Stat. 1852, ch. 98, sec. 69. Acts 1853, ch. 106, sec. 5. Acts 1865, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6558.

<sup>5</sup> Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1831 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052. *McComas v. Krug* (1879), 81 Ind. 327 (intoxication).

<sup>6</sup> Acts 1897, 1899; Burns 49-834; Baldwin 13050.

<sup>7</sup> Acts 1865, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6558.

case may be, the membership in the county school fund board being an incident to such office.<sup>8</sup>

From the organization of the county until 1824 school lands (section 16 in each township) were leased by the trustee of the school sections, appointed by the board of commissioners. From 1824 until 1829 such lands were leased by three trustees of the school section, elected for 3-year terms by the voters of the township.<sup>9</sup> From 1818 until 1853 the public seminary funds of the county were in custody of a "trustee of public seminary" (appointed by the governor from 1818 to 1824, and appointed by the board of commissioners after 1824).<sup>10</sup> From 1829 to 1849 loans from the school funds were made by the county school commissioner, elected for a 3-year term by the voters of the county. The school commissioner was a financial agent of the county for the management of school funds and the lands belonging thereto.<sup>11</sup> In 1849 this office was abolished and the duties thereof were divided between the auditor and the treasurer, under the direction of the board of commissioners.<sup>12</sup> With the approval of the township trustees, the auditor had authority to make loans until 1935.<sup>13</sup> An act of March 12, 1935 (repealed on March 9, 1937) authorized the auditor, with the approval of the board of commissioners, to employ an "administrator of the school fund loans" to make investigations, collections, and recommendations under the supervision of the auditor.<sup>14</sup>

#### FUNCTIONS AND RECORDS

The school funds held by the county in trust for the purpose of making loans thereon are kept by the auditor in three accounts, to wit: The "common school fund," the

<sup>8</sup> See the essays entitled "Auditor" and "Clerk of the Circuit Court."

<sup>9</sup> Acts 1816-17, ch. 12, secs. 1-5. Acts 1817-18 (general), ch. 49, secs. 1-5. Rev. Laws 1824, ch. 97, sec. 1.

<sup>10</sup> Const. 1816, art. 9, sec. 1. Acts 1817-18 (general), ch. 72, sec. 1. Rev. Laws 1824, ch. 22, secs. 2, 3. Rev. Laws 1831, ch. 20, sec. 25. Rev. Stat. 1838, ch. 21, sec. 25. Rev. Stat. 1843, ch. 14, sec. 21. 1 Rev. Stat. 1852, ch. 97.

<sup>11</sup> Acts 1828-29, ch. 84, secs. 8, 15. Rev. Laws 1831, ch. 86, secs. 6-52. Acts 1832-33, ch. 70, sec. 3. Rev. Stat. 1838, ch. 94 (2), secs. 1-16. Rev. Stat. 1843, ch. 4, secs. 11, 20; ch. 13, secs. 106-108, 193, 246, 247; ch. 15, secs. 85-87, 97.

<sup>12</sup> Acts 1848-49 (general), ch. 116, sec. 4. Acts 1851-52, ch. 67, secs. 1, 2. 1 Rev. Stat. 1852, ch. 98, secs. 123-137. Acts 1865, ch. 1, sec. 54.

<sup>13</sup> 1 Rev. Stat. 1852, ch. 98, secs. 34, 35. Acts 1865, ch. 1, sec. 75.

<sup>14</sup> Acts 1935, ch. 273 (repealed by Acts 1937, ch. 153).



"Congressional Township school fund," and the "permanent endowment fund of the Indiana University." These trust funds are loaned by the county school fund board. The county is held liable for both principal and interest. The interest on the common school fund and the Congressional Township school fund is paid into the state treasury and is distributed semiannually among the several counties on the basis of average daily attendance of school children therein. The interest on the permanent endowment fund of Indiana University is paid to the state treasurer, and he pays it to the trustees of Indiana University.<sup>15</sup>

All loans made by the county school fund board (except those made to the county) must be secured by first mortgages on real estate. The applicant for a loan must furnish the necessary title papers and an abstract of title; must make an affidavit that the abstract is a true one and that he knows of no encumbrance; and must present a certificate of the recorder and clerk of the circuit court that there is no encumbrance on the property. A title "derived from sale for taxes" cannot be accepted. The county attorney examines the title, and appraisers (annually appointed by the board of commissioners) ascertain the value of the property. The county school fund board, after considering the reports of the county attorney and appraisers, then determines whether the title and value of the property are sufficient security for the proposed loan.<sup>16</sup> Not more than \$4,000 can be loaned to any one person or company,<sup>17</sup> and the amount loaned cannot ex-

---

<sup>15</sup> Const. 1851, art. 8, secs. 2-7. Acts 1865; Burns 28-101, 28-104, 28-105; Baldwin 6499, 6499-1, 6511. Acts 1907; Burns 28-102; Baldwin 6500. Acts 1865, 1893, 1932 (Spec. Sess.), 1933; Burns 28-1013; Baldwin 6490. Board of County Comrs. v. State *ex rel.* Hoard (1895), 103 Ind. 497, 3 N. E. 165; Board of County Comrs. v. State *ex rel.* Baldwin (1888), 116 Ind. 329, 19 N. E. 173; Board of County Comrs. v. State *ex rel.* Michener (1889), 120 Ind. 442, 22 N. E. 339; Board of County Comrs. v. State *ex rel.* Michener (1890), 122 Ind. 333, 24 N. E. 347; State *ex rel.* Michener v. Board of County Comrs. (1892), 5 Ind. App. 220, 32 N. E. 92.

Permanent endowment fund of Indiana University. Acts 1897; Burns 28-5542 to 28-5545; Baldwin 6903 to 6911. Acts 1883; Burns 28-5579; Baldwin 6956. Fisher v. Brower (1902), 159 Ind. 139, 64 N. E. 614.

The sources of the funds held in trust for school purposes are discussed under the section entitled "Education" in the essay entitled "Governmental Organization and Records System."

<sup>16</sup> Acts 1865, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6558. Acts 1881 (Spec. Sess.); Burns 28-210; Baldwin 6580. Acts 1865, 1885 (Spec. Sess.); Burns 28-211 to 28-213; Baldwin 6562, 6559, 6560.

<sup>17</sup> Acts 1901; Burns 28-220; Baldwin 6564.

ceed one-half the last assessed valuation of the property for taxes.<sup>18</sup> The interest rate on such loans (except those made to the county) is 5 percent per annum.<sup>19</sup> Loans may be made to the county, on proper authorization by the county council, for a period not exceeding 5 years,<sup>20</sup> and the rate of interest thereon is 6 percent per annum.<sup>21</sup>

The mortgage must specify whether it belongs to the common school fund, to the permanent endowment fund of Indiana University, or to the Congressional Township school fund, and, if the latter, the particular township or townships whose trust funds are loaned.<sup>22</sup> The auditor must immediately deliver the mortgage to the recorder for recording, and must deduct from the loan the amount of the recording fee.<sup>23</sup> Payments on these loans are made to the treasurer; and his receipt is filed with the auditor, who gives the payer a quietus therefor.<sup>24</sup> The auditor may accept, at face value, bonds of the Home Owners Loan Corporation or Federal Farm Mortgage Corporation (agencies of the United States) in payment of these loans.<sup>25</sup> The auditor forecloses or otherwise enforces the defaulted mortgages.<sup>26</sup> Whenever land acquired by the county through default on such loans cannot be sold by the auditor for an amount sufficient to cover the loan, the interest thereon, and expenses in connection therewith, the county may pay the loan, accept the land, and take possession thereof.<sup>27</sup>

Whenever more than \$5,000 of the principal of any one of these funds remains unloaned in the county for 6 months, the county auditor must notify the auditor of state, and the unloaned moneys may be transferred to another county.<sup>28</sup>

---

<sup>18</sup> Acts 1901, 1903, 1923; Burns 28-221; Baldwin 6565.

<sup>19</sup> Acts 1933; Burns 28-215; Baldwin 6574.

<sup>20</sup> Acts 1901; Burns 28-201, 28-202; Baldwin 6568, 6569.

<sup>21</sup> Acts 1901; Burns 28-204; Baldwin 6571.

<sup>22</sup> Acts 1865; Burns 28-230 to 28-232; Baldwin 6587 to 6589.

<sup>23</sup> Acts 1865; Burns 28-233; Baldwin 6583.

<sup>24</sup> Acts 1865, 1901; Burns 28-235 to 28-237; Baldwin 6592, 6593, 6610.

<sup>25</sup> Acts 1935; Burns, 1939 suppl., 28-268; Baldwin, 1935 suppl., 6572-1.

<sup>26</sup> Rev. Stat. 1843, ch. 13, sec. 96, p. 252. Acts 1855, ch. 86, sec. 86. Acts 1865, 1885 (Spec. Sess.), 1889, 1933; Burns 28-240 to 28-244, 28-245 to 28-249; Baldwin 6586, 6585, 6595 to 6597, 6599 to 6601, 6594. Webb v. Moore (1865), 25 Ind. 4; Key v. Ostrander (1867), 29 Ind. 1; Bonnell v. Ray (1880), 71 Ind. 141; Willson v. Brown (1882), 82 Ind. 471; Benefiel v. Aughe (1884), 93 Ind. 401; Shannon v. Hay (1886), 106 Ind. 589, 7 N. E. 376; Windstandley v. Crim (1889), 117 Ind. 328, 20 N. E. 833; Haynes v. Cox (1889), 118 Ind. 184, 20 N. E. 758; Work v. State *ex rel.* Holland (1889), 120 Ind. 119, 22 N. E. 127; State *ex rel.* Longfellow v. Wimer (1906), 166 Ind. 530, 77 N. E. 1078.

<sup>27</sup> Acts 1899; Burns 28-250 to 28-256; Baldwin 6602 to 6608.

<sup>28</sup> Acts 1901; Burns 28-206; Baldwin 6573.

The auditor and treasurer make annual reports to the board of commissioners showing the condition and activity of these school funds. The board of commissioners examines the reports, makes a written report of such examination, enters it on record, and transmits copies (signed by the auditor, treasurer, and county commissioners) to the state superintendent of public instruction and the auditor of state.<sup>29</sup> Where the whole or part of the school funds of the county have been loaned, the auditor apportions to each Congressional Township a sufficient number of mortgages to cover the principal of its Congressional Township school fund.<sup>30</sup> A "miscellaneous school fund account" with the Congressional Township school fund may be kept by the auditor to enable him to aggregate small sums of available trust funds to be used for one loan. In his reports he shows fully the distribution of all school funds.<sup>31</sup>

The auditor makes and keeps complete records of all loans made by the county school fund board, showing all payments and proceedings thereon.<sup>32</sup> The record entries for loans to counties are similar to those made for loans to private individuals.<sup>33</sup> Once each quarter the auditor publishes in a local newspaper a statement of the amount of school funds unloaned.<sup>34</sup>

#### SCHOOL FUND LOANS

(See also entry 73)

224. REGISTER OF SCHOOL FUND LOANS, 1842—. 8 vols.  
(six vols. not labeled, 2, 3).

Record of school fund loans secured by mortgages on real property, showing date, number, nature and amount of loan, name and address of mortgagor, dates and amounts of principal and interest payments, name of school fund, location and description of property, dates of maturity and satisfaction, kind, amount and period of insurance, names of insurance company and agent, and volume and page reference to School Fund Mortgage Record, entry 73. Arr. chron. by dates of loans.

<sup>29</sup> Acts 1855, ch. 86, secs. 88, 95. Acts 1865; Burns 28-259 to 28-262; Baldwin 6611 to 6614.

<sup>30</sup> Acts 1865; Burns 28-263; Baldwin 6615.

<sup>31</sup> Acts 1879; Burns 28-264 to 28-266; Baldwin 6616 to 6618.

<sup>32</sup> Acts 1901; Burns 28-201 to 28-206; Baldwin 6568 to 6573. Acts 1865, 1901; Burns 28-235 to 28-237; Baldwin 6592, 6593, 6610.

<sup>33</sup> Acts 1901; Burns 28-201 to 28-206; Baldwin 6568 to 6573.

<sup>34</sup> Acts 1883, ch. 58, sec. 1. Acts 1899, ch. 95, sec. 1. Acts 1907; Burns 28-207, 28-208; Baldwin 6556, 6557. Board of County Comrs. v. Leslie (1878), 63 Ind. 492.

Indexed alph. by names of mortgagors. Hdw. 350 pp. 16 x 10 x 2. 1 vol., 1842-51, bsmt. stor. rm.; 6 vols., 1852-1930, aud. and treas. rec. rm.; 1 vol., 1931-, aud. off.

225. SCHOOL FUND LOAN: ABSTRACTS, MORTGAGES, INSURANCE, 1892-. 16 f. b.

Documents relative to school fund loans, including:

- i. Abstracts of title to property mortgaged to secure loans, showing date of abstract and filing, continuous ownership from U. S. Government grant to date of loan, deeds, mortgages and liens, names of property owner and abstractor, and location and description of property.
- ii. School fund mortgages, showing dates of mortgage, maturity and filing, number, amount and conditions of mortgage, names of mortgagor and fund, location and description of property, and volume and page reference to School Fund Mortgage Record, entry 73.
- iii. Insurance policies on property mortgaged, showing dates of policy, expiration and filing, nature of insurance, names of property owner and insurance company, amount and conditions of policy, amount of premium, and location and description of property.

Arr. chron. by dates of filing. No index. Hdw. 10 x 4 x 15. Aud. and treas. rec. rm.

226. INVENTORY OF TRUST OR SCHOOL FUNDS, 1891-. 1 vol. Record of inventory of school and trust funds, showing date of inventory, date, number and amount of loan, name of fund, amount of unpaid principal, date to which interest paid, amount of interest due, and amount represented by forfeited land. Arr. chron. by dates of inventories. No index. Hdw. 450 pp. 18 x 14 x 2. Aud. off.

227. RECORD OF CONDITIONS, DISTRIBUTIONS AND ADJUSTMENTS OF SCHOOL FUNDS, 1913-20. 1 vol. (1). Discontinued. Record of condition, distribution and re-adjustment of school funds, showing date of balance, name of fund, amount held in trust, loans and certificates in force, cash in treasury, amount due from county, loans paid, losses paid by county, fines and forfeitures, damages, amount of Congressional Township school fund transferred to and from other counties, miscellaneous sources and total receipts, loans made, loans absorbed by certificates of purchase, losses sustained by county, and balance. Arr. chron. by dates of balances. No index. Hdw. 382 pp. 17 x 16 x 1½. Aud. and treas. rec. rm.



## XIV. TREASURER

## LEGAL STATUS

The office of treasurer exists under the mandatory provisions of the Constitution of 1851, and has existed in Monroe County since its organization in 1818. The treasurer is elected for a 2-year term by the voters of the county.<sup>1</sup> He is commissioned by the Governor of Indiana<sup>2</sup> and holds office until his successor is elected and qualified.<sup>3</sup> No person is eligible to hold the office more than 4 years in any 6-year period.<sup>4</sup> The treasurer must be an elector of the county at the time of his election, must have been an inhabitant thereof throughout the preceding year,<sup>5</sup> must reside within the county after his election, must not hold any other lucrative office,<sup>6</sup> and must not practice law.<sup>7</sup> He must post an official bond, to be approved by the board of commissioners and filed with the clerk of the circuit court. The bond must be in an amount not less than the amount of money which may come into his hands at any time during his term, as determined by the board.<sup>8</sup> The treasurer must take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.<sup>9</sup>

The treasurer receives a regular salary of \$2,360 per year. In addition to his salary, he receives, as compen-

<sup>1</sup> Const. 1851, art. 6, sec. 2. *Gemmer v. State ex rel. Stephens* (1904), 163 Ind. 150, 71 N. E. 478. See footnotes 21-27 herein.

<sup>2</sup> Const. 1851, art. 15, sec. 6. Rev. Stat. 1843, ch. 4, sec. 56. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

<sup>3</sup> Const. 1851, art. 15, sec. 3.

<sup>4</sup> *Ibid.*, art. 2, sec. 11; art. 6, sec. 2.

<sup>5</sup> *Ibid.*, sec. 4. Rev. Stat. 1843, ch. 4, secs. 73, 74.

<sup>6</sup> Const. 1851, art. 2, sec. 9; art. 6, sec. 6. Rev. Stat. 1843, ch. 4, secs. 61, 75.

<sup>7</sup> Acts 1865, ch. 42 (misnumbered 62), sec. 2. Acts 1881 (Spec. Sess.), ch. 37, sec. 115. Acts 1905; Burns 10-3102; Baldwin 2636. *McCracken v. State* (1867), 27 Ind. 491.

<sup>8</sup> Acts 1816-17, ch. 17, sec. 2. Acts 1817-18 (general), ch. 44, sec. 2. Rev. Laws 1824, ch. 23, sec. 1; ch. 86, secs. 18, 27. Rev. Laws 1831, ch. 21, sec. 1; ch. 81, secs. 17, 19. Rev. Stat. 1843, ch. 4, secs. 88, 92-100; ch. 27, secs. 71-73. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068. Acts 1851-52; Burns 49-123; Baldwin 13093. 1 Rev. Stat. 1852, Acts 1865, 1919; Burns 49-3101; Baldwin 5548. *Pepper v. State ex rel. Harvey* (1864), 22 Ind. 399.

<sup>9</sup> Const. 1851, art. 15, sec. 4. Rev. Laws 1824, ch. 86, sec. 18. Rev. Laws 1831, ch. 81, sec. 17. Rev. Stat. 1843, ch. 4, secs. 77, 78, 81, 83, 84, 92; ch. 7, secs. 72, 73. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

sation for himself, 6 percent of all delinquent personal property taxes collected by him, plus a "demand fee" of 50 cents on each collection resulting from personal demand. From 1919 until 1938 he also received \$5 per day for each day actually served as a member of the board of review of Monroe County.<sup>10</sup>

For sufficient legal grounds the treasurer may be removed from office by the circuit court after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.<sup>11</sup> If the treasurer is convicted of a felony the judgment of conviction must declare his office vacant.<sup>12</sup> If the treasurer becomes officially delinquent and a suit is commenced on his official bond, he may be removed from office by the board of commissioners,<sup>13</sup> but such removal is subject to review by the circuit court.<sup>14</sup>

Any vacancy in the office of treasurer is filled through appointment by the board of commissioners. The appointee must take oath and post bond, as was required of his predecessor, and holds office for the unexpired term and until his successor is elected and qualified.<sup>15</sup>

The treasurer may appoint deputies and assistants under authority from the board of commissioners. One deputy may

<sup>10</sup> Acts 1816-17, ch. 17, sec. 12. Acts 1817-18 (general), ch. 44, sec. 12. Rev. Laws 1824, ch. 23, sec. 7; ch. 86, sec. 34. Rev. Laws 1831, ch. 21, sec. 5; ch. 81, sec. 40. Rev. Stat. 1843, ch. 7, sec. 90; ch. 12, secs. 59, 71. Acts 1871, ch. 17, secs. 29, 30. Acts 1933; Burns 49-1001, 49-1004, 49-1016; Baldwin 7531, 7534, 7546. Acts 1933, 1937; Burns, 1939 suppl., 49-1006; Baldwin, 1937 suppl., 7536. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201, 64-1204; Baldwin 15700, 15703. *Town of Paoli v. Charles* (1905), 164 Ind. 690, 74 N. E. 508. *Opinions of the Attorney General of Indiana, 1934*, p. 313; 1936, p. 130.

<sup>11</sup> Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1816-17, ch. 17, sec. 3. Acts 1817-18 (general), ch. 44, sec. 3. Rev. Laws 1824, ch. 23, sec. 2. Rev. Laws 1831, ch. 21, sec. 6. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

<sup>12</sup> Acts 1897, 1899; Burns 49-834; Baldwin 13050.

<sup>13</sup> Rev. Stat. 1843, ch. 7, sec. 87. 1 Rev. Stat. 1852; Burns 49-3115; Baldwin 5562.

<sup>14</sup> 1 Rev. Stat. 1852; Burns 26-901; Baldwin 5277.

<sup>15</sup> Const. 1851, art. 6, sec. 9. Acts 1816-17, ch. 17, sec. 3. Acts 1817-18 (general), ch. 44, sec. 3. Rev. Laws 1824, ch. 86, sec. 30. Rev. Laws 1831, ch. 81, sec. 37. Rev. Stat. 1843, ch. 4, secs. 136, 139, 160, 162, 163, 168, 169; ch. 7, secs. 74, 87. Rev. Stat. 1843, ch. 7, sec. 74. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081. 1 Rev. Stat. 1852; Burns 49-405, 49-408, 49-409; Baldwin 13104, 13106, 13107. *Douglass v. State ex rel. Wright* (1869), 31 Ind. 429; *Beale v. State ex rel. Gray* (1874), 49 Ind. 41; *Weaver v. State ex rel. Sims* (1899), 152 Ind. 479, 53 N. E. 450. Interview of August 29, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

be appointed without such authorization. The county council fixes the salaries of the deputies and assistants, which must be not less than \$75 nor more than \$200 per month.<sup>16</sup> The treasurer may, at his own expense, employ other persons to collect delinquent personal property taxes by personal demand.<sup>17</sup> The treasurer may require any deputy to give bond.<sup>18</sup> The deputies must take the oath required of the treasurer, may perform all the official duties of the treasurer, and are subject to the same regulations and penalties.<sup>19</sup> The treasurer may remove such deputies and assistants at any time, and is responsible for their official acts.<sup>20</sup>

From the organization of Monroe County in 1818<sup>21</sup> until 1841 a county treasurer was annually appointed by the board doing county business.<sup>22</sup> He received and disbursed county funds; received taxes collected by the sheriff (1818 to 1824) and tax collector (1824 to 1841); collected the fees charged for the licensing of taverns, shows, and vending of foreign merchandise; kept a separate account of receipts from fines, to be used to support county seminaries; and made annual settlements with the board.<sup>23</sup> Before 1824 the sheriff served as county tax collector;<sup>24</sup> and from 1824 to 1841 a county

<sup>16</sup> Rev. Laws 1831, ch. 81, secs. 17, 37. Rev. Stat. 1843, ch. 12, sec. 153. 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532. *Opinions of the Attorney General of Indiana, 1934*, p. 256; 1937, p. 324.

<sup>17</sup> Acts 1933, 1937; Burns, 1939 suppl., 49-1006; Baldwin, 1937 suppl., 7536.

<sup>18</sup> 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108.

<sup>19</sup> Rev. Stat. 1843, ch. 4, sec. 85. 1 Rev. Stat. 1852; Burns 49-502; Baldwin 13109. *Lucas v. Shepherd* (1861), 16 Ind. 368.

<sup>20</sup> Rev. Stat. 1843, ch. 7, sec. 88; ch. 12, secs. 82, 153. 1 Rev. Stat. 1852; Burns 49-403; Baldwin 13110. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532.

<sup>21</sup> Acts 1817-18 (special), ch. 6, sec. 1.

<sup>22</sup> Acts 1816-17, ch. 17, secs. 1, 2. Acts 1817-18 (general), ch. 44, secs. 1, 2. Rev. Laws 1824, ch. 23, sec. 1. Rev. Laws 1831, ch. 21, sec. 1. Rev. Stat. 1838, ch. 22, sec. 1.

<sup>23</sup> Acts 1816-17, ch. 8, sec. 22; ch. 10, sec. 13; ch. 17, secs. 1-11; ch. 19, secs. 7, 13, 15; ch. 23, sec. 5; ch. 27, sec. 1; ch. 69, sec. 23. Acts 1817-18 (special), ch. 2, sec. 1; ch. 4, sec. 1; ch. 36, sec. 2. Acts 1817-18 (general), ch. 4, sec. 3; ch. 13, sec. 30; ch. 14, secs. 4, 25; ch. 32, sec. 9; ch. 42, secs. 3, 12, 14, 18, 22, 23, 25; ch. 43, sec. 21; ch. 44, secs. 1-11; ch. 47, sec. 2; ch. 62, secs. 2, 3; ch. 72, sec. 2; ch. 77, sec. 5; ch. 79, sec. 1. Rev. Laws 1824, ch. 23, secs. 1-10; ch. 86, secs. 24, 25, 22, 26, 37. Rev. Laws 1831, ch. 20, secs. 15, 17; ch. 21, secs. 1-10; ch. 81, secs. 14, 29, 31, 33, 39, 45, 46, 50. Rev. Stat. 1838, ch. 21, secs. 15, 17; ch. 22.

<sup>24</sup> Acts 1816-17, ch. 8, sec. 23; ch. 19, secs. 7, 9-15; ch. 23, sec. 3; ch. 25, sec. 1. Acts 1817-18 (special), ch. 17, sec. 1; ch. 36, sec. 3. Acts 1817-18 (general), ch. 42, secs. 11, 14-19, 21, 23-27; ch. 44, secs. 4-11; ch. 72, secs. 2, 3; ch. 77, sec. 3; ch. 79, sec. 1.

tax collector was appointed annually by the board.<sup>25</sup> The tax collector collected taxes (other than the license fees aforesaid); conducted tax sales; issued tax sale certificates and tax deeds; paid all collected funds over to the county treasurer and state treasurer; filed with the clerk of the circuit court a report concerning the sale of lands for delinquent taxes; and made and delivered to the clerk an alphabetical list of all white male persons of the age of 21 years or over residing in the county.<sup>26</sup> In 1841 the office of county tax collector was abolished and the duties of that office were transferred to the county treasurer. From 1841 until the adoption of the Constitution of 1851 (which made the treasurer a constitutional officer), the treasurer was elected for a 3-year term by the voters of the county.<sup>27</sup>

#### FUNCTIONS AND RECORDS

The treasurer receives all moneys coming to the county, issues official receipts therefor, and disburses the same on warrants issued by the auditor. He countersigns each warrant and stamps thereon the name of the depository by which it is payable. He may pay a warrant out of funds in his office or require it to be presented to the depository for payment.<sup>28</sup> He must deduct any delinquent taxes owing by the payee.<sup>29</sup> If no funds are available to pay a warrant when presented for payment, the treasurer endorses thereon the words "not paid for want of funds" and the date of such presentment. When funds become available he publishes a call for redemption of such warrants.<sup>30</sup>

---

<sup>25</sup> Rev. Laws 1824, ch. 86, secs. 18, 42. Rev. Laws 1831, ch. 81, secs. 17, 18.

<sup>26</sup> Rev. Laws 1824, ch. 23, secs. 6, 8, 11, 13; ch. 86, secs. 11-16, 19-28, 32, 34-37, 39-41, 45. Acts 1825, ch. 9, sec. 1. Acts 1829-30, ch. 9, sec. 5. Rev. Laws 1831, ch. 20, secs. 15, 18, 19; ch. 21, secs. 2-4, 10; ch. 81, secs. 14, 17-46, 51. Rev. Stat. 1838, ch. 81, secs. 18, 19.

<sup>27</sup> Const. 1851, art. 6, sec. 2. Acts 1840-41 (general), ch. 4, secs. 1, 13-22. Rev. Stat. 1843, ch. 4, secs. 2, 18; ch. 7, secs. 70, 75-91; ch. 12, secs. 53-180. *Ham v. State ex rel. Williams* (1844) 7 Blackford 344.

<sup>28</sup> Rev. Stat. 1843, ch. 7, secs. 76-84, 91. Acts 1899, 1935; Burns, 1939 suppl., 26-522; Baldwin, 1935 suppl., 5386. 2 Rev. Stat. 1852. Acts 1891; Burns 49-2710; Baldwin 1437. 1 Rev. Stat. 1852; Burns 49-3103, 49-3104, 49-3111; Baldwin 5550, 5551, 5558. Acts 1937; Burns 1939 suppl., 61-627; Baldwin, 1937 suppl., 18844-48. *State ex rel. Zabie v. Benson* (1880), 70 Ind. 481.

<sup>29</sup> Acts 1919; Burns 64-1506; Baldwin 15768.

<sup>30</sup> Acts 1889; Burns 49-3007, 49-3008; Baldwin 5420, 5421. 1 Rev. Stat. 1852; Burns 49-3111; Baldwin 5558.



The treasurer collects property taxes and poll taxes for the state and county and also for townships, cities, and towns in the county, as shown on the tax duplicate delivered to him by the auditor;<sup>31</sup> reports omitted polls and property to the auditor for assessment;<sup>32</sup> keeps an "insolvent record" of dropped taxes (prepared by the auditor);<sup>33</sup> keeps auditor's certificates correcting the tax duplicate;<sup>34</sup> sells real estate and personal property at public auction for delinquent taxes;<sup>35</sup> collects corporate taxes,<sup>36</sup> inheritance taxes,<sup>37</sup> and the excise tax on shares of stock and deposits of banks, trust companies, and loan associations;<sup>38</sup> sells intangible tax stamps for the state board of tax commissioners;<sup>39</sup> and collects school fund loans<sup>40</sup> and special assessments for public improvements.<sup>41</sup> Records of these funds and transactions are kept by him.

All public funds paid into the county treasury must be deposited by the treasurer daily in one or more depositories designated by the board of finance. The treasurer makes monthly reports to the board of finance showing the balance of funds at the end of the previous month—consistent with the statements furnished to the board and treasurer by the depository;<sup>42</sup> makes quarterly reports to the board of commissioners

---

<sup>31</sup> Rev. Stat. 1843, ch. 7, sec. 86; ch. 12, secs. 53-55, 62, 67, 174. Acts 1897, ch. 54, sec. 1. Acts 1905; Burns 48-6701, 48-6702, 48-6705; Baldwin 11511 to 11513. Acts 1919; Burns 64-1408, 64-1502; Baldwin 15745, 15748. *Standard Oil Co. v. Bretz* (1884), 93 Ind. 231.

<sup>32</sup> Acts 1919; Burns 64-2102; Baldwin 15803.

<sup>33</sup> Acts 1919; Burns 64-2801; Baldwin 15634.

<sup>34</sup> Acts 1919, 1925; Burns 64-1407; Baldwin 15744.

<sup>35</sup> Rev. Stat. 1843, ch. 7, sec. 89; ch. 12, secs. 56-67, 83-126. Acts 1932 (Spec. Sess.); Burns 64-1509, 64-1511; Baldwin 15752, 15754. Acts 1919, 1931; Burns 64-1701 to 64-1705, 64-2201, 64-2203 to 64-2211; Baldwin 15778 to 15782, 15806, 15808 to 15818. Acts 1919, 1931, 1937; Burns, 1939 suppl., 64-2202; Baldwin, 1937 suppl., 15807. *Pay v. Shanks* (1877), 56 Ind. 554.

<sup>36</sup> Acts 1919; Burns 64-1801; Baldwin 15783.

<sup>37</sup> Acts 1931; Burns 6-2413; Baldwin 15951.

<sup>38</sup> Acts 1933; Burns 64-804, 64-807, 64-810, 64-827; Baldwin 15585, 15589, 15591, 15603.

<sup>39</sup> Acts 1933; Burns 64-927; Baldwin 15925.

<sup>40</sup> Acts 1865; Burns 28-235; Baldwin 6592.

<sup>41</sup> Drainage. Acts 1933; Burns 27-134; Baldwin 5770.

Levees. Acts 1907, 1927, 1933; Burns 27-805; Baldwin 10214.

Roads. Acts 1905; Burns 36-1308; Baldwin 8794. Acts 1921; Burns 36-1439, 36-1440; Baldwin 8942, 8943.

<sup>42</sup> Acts 1907; Burns 61-610; Baldwin 13314. Acts 1937; Burns, 1939 suppl., 61-624; Baldwin, 1937 suppl., 13844-45.

and auditor showing the amount of money in the county treasury;<sup>48</sup> makes monthly reports to the auditor showing the total amount of cash payments received by him during the month and the respective accounts on which they were applied;<sup>44</sup> makes annual settlements with the board of commissioners in January;<sup>45</sup> makes semiannual settlements for taxes with the county auditor in May and November,<sup>46</sup> and in accordance therewith pays to the state treasurer in June and December all money due for state purposes;<sup>47</sup> and also makes payments to the state treasurer at other times in accordance with official requests therefor.<sup>48</sup> He makes quarterly reports to the auditor showing specifically the amount of fees collected;<sup>49</sup> and deposits quarterly with the auditor all redeemed warrants.<sup>50</sup>

The treasurer must keep his office, books, and papers in a fireproof building (if available) and his office must be open for transaction of business during business hours.<sup>51</sup> He must keep a cashbook wherein are entered daily, by item, all receipts of public funds. The book must be balanced daily, show funds on hand at the close of each day, and be open to public inspection.<sup>52</sup> He keeps records of all receipts and disbursements in a general account, and also in separate accounts for the separate appropriations and distinct funds.<sup>53</sup>

Forms for the following record books have been prescribed for county treasurers by the state board of accounts: Daily

<sup>43</sup> Acts 1871, ch. 17, secs. 23, 31, 35. Acts 1891, ch. 194, sec. 125. Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577. Acts 1895, 1913; Burns 49-1463; Baldwin 7578. *Wolfe v. State ex rel. Kennard* (1883), 90 Ind. 16.

<sup>44</sup> Acts 1871, ch. 17, sec. 31. Acts 1919; Burns 64-2101; Baldwin 15802.

<sup>45</sup> Rev. Stat. 1843, ch. 7, sec. 90. Acts 1899; Burns 26-531; Baldwin 5395. 1 Rev. Stat. 1852; Burns 49-3116; Baldwin 5563.

<sup>46</sup> Rev. Stat. 1843, ch. 12, secs. 68, 154. Acts 1919; Burns 64-2501; Baldwin 15850.

<sup>47</sup> Rev. Stat. 1843, ch. 12, secs. 68, 69. Acts 1919; Burns 64-2503, 64-2504; Baldwin 15852, 15853.

<sup>48</sup> Acts 1859, 1861; Burns 49-1813; Baldwin 15059. Acts 1937; Burns, 1939 suppl., 61-626; Baldwin, 1937 suppl., 13844-47.

<sup>49</sup> Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577.

<sup>50</sup> Rev. Stat. 1843, ch. 7, sec. 85. 1 Rev. Stat. 1852; Burns 49-3114; Baldwin 5561.

<sup>51</sup> Rev. Stat. 1843, ch. 7, sec. 75. 1 Rev. Stat. 1852; Burns 49-3106; Baldwin 5553. Acts 1853; Burns 49-3107, 49-3108; Baldwin 5556, 5557.

<sup>52</sup> Acts 1937; Burns, 1939 suppl., 61-623; Baldwin, 1937 suppl., 13844-44.

<sup>53</sup> Acts 1841-42 (general), ch. 4, sec. 5. Rev. Stat. 1843, ch. 7, sec. 75. 1 Rev. Stat. 1852; Burns 49-3109; Baldwin 5554.

balance of cash and depositories; record of warrants by depositories; ledger of receipts and disbursements; register of taxes collected; record of bids for bonds; and daily inventory of intangible tax stamps. This board has prescribed blank forms of monthly reports and various receipts.<sup>54</sup>

The county treasurer is a member of the board of review, which meets annually for the purpose of reviewing property tax valuations and allowing tax exemptions.<sup>55</sup>

#### TAXATION

(See also entries 290-309)

#### REAL, PERSONAL, AND POLL

228. TAX DUPLICATE [and Delinquent List], 1877-. 188 vols.

Record of taxes payable and amounts returned delinquent, showing installment dates, names of taxpayer and taxing unit, duplicate number, location, description and assessed valuation of lands, lots and improvements thereon, value of personal property, number of polls, amounts of special assessments and exemptions, and date and amount of payment. This is a combination of two records formerly kept separately: Tax Duplicate, entry 229; Delinquent List, entry 230. Arr. by names of taxing units, thereunder alph. by names of property owners. No index. Hdw. 461 pp. 20 x 17 x 3. 65 vols., 1877-1921, bsmt. stor. rm.; 123 vols., 1877-1908, 1915-, aud. and treas. rec. rm.

229. TAX DUPLICATE, 1842-76. 27 vols. 1877- in Tax Duplicate [and Delinquent List], entry 228.

Record of taxes payable, showing installment date, names of property owner and taxing unit, duplicate number, location, description and assessed valuation of lands, lots and improvements, value of personal property, number of polls, amounts of special assessments and exemptions, and date and amount of payment. Arr. by names of taxing units, thereunder alph. by names of property owners. No index. Hdw. 461 pp. 20 x 17 x 3. Aud. and treas. rec. rm.

230. DELINQUENT LIST, 1845, 1849, 1866, 1868, 1871, 1873-75, 1876. 10 vols. 1877- in Tax Duplicate [and Delinquent List], entry 228.

Record of delinquent taxes, showing duplicate number, names

---

<sup>54</sup> Acts 1903; Burns 60-202; Baldwin 13855. Interview of May 18, 1939 with E. P. Brennan, state examiner.

<sup>55</sup> See the essay entitled "County Board of Review."

of property owner and taxing unit, location and description of property, period of delinquency, and amounts of delinquency, interest and penalty. Arr. num. by duplicate nos. No index. Hdw. 554 pp. 18 x 12 x 2½. 8 vols., 1845, 1849, 1866, 1868, 1871, 1873-75, aud. and treas. rec. rm.; 2 vols., 1875-76, attic stor. rm.

231. INSOLVENT TAX RECORD, 1867-82, 1889-96, 1898-1909, 1911-. 5 vols. (1-3, two vols. not labeled).

Record of delinquent poll and personal taxes considered uncollectible and removed from tax duplicates, showing period of delinquency and date of removal, names of property owner and taxing unit, amount of delinquency, duplicate number, and reason for removal. Arr. by names of taxing units, thereunder alph. by names of property owners. No index. 250 pp. 14 x 10 x 1½. 4 vols., 1867-82, 1898-1909, 1911-, aud. and treas. rec. rm.; 1 vol., 1889-96, bsmt. stor. rm.

232. MORATORIUM TAX DUPLICATE, 1934-. 1 vol.

Record of delinquent tax payments deferred, showing date of moratorium, duplicate number, schedule of payments, names of taxpayer and taxing unit, location and description of property, and amounts of delinquency, interest and payments. Arr. by names of taxing units, thereunder alph. by names of taxpayers. No index. Hdw. 450 pp. 18 x 15 x 3. Treas. off.

INHERITANCE (see also entry 213)

233. INHERITANCE TAX RECORD, 1913-. 3 vols.

Record of inheritance and transfer taxes, showing cause number, dates of decedent's death, inventory and payment of tax, names of decedent and heirs, devisee or legatee, value of estate, amount of deductions, amount of each legacy, value of real property, personal property, income, interests and annuities, amounts of exemptions and discount, amount on which taxes payable, and rate and amount of tax. Arr. chron. by dates of payments. No index. Hdw. 400 pp. 16 x 9 x 1½. 2 vols., 1913-35, aud. and treas. rec. rm.; 1 vol., 1936-, treas. off.

INTANGIBLE (see also entry 214)

234. TREASURER'S REGISTER OF INTANGIBLE TAXES, 1933-. 1 vol.

Daily register of intangible tax stamps, showing dates of receipt and sale, numbers and denominations of stamps received, sold and on hand, and name of purchaser. Arr. chron. by dates of receipts. No index. Hdw. 46 pp. 18 x 6 x ½. Treas. off.



## 235. INTANGIBLE TAX, 1933-. 1 f. b.

Copies of treasurer's reports to state board of tax commissioners of intangible tax stamp sales, showing same information as in entry 234. Arr. chron. by dates of reports. No index. Hdw. 10 x 4 x 15. Aud. and treas. rec. rm.

PUBLIC IMPROVEMENTS (see also entries 16-22, 300, 391, 403)

## 236. GRAVEL ROAD TAX DUPLICATE, 1884-96. 13 vols.

Record of assessments for construction and maintenance of gravel roads, showing date of assessment, duplicate number, names of property owner and taxing unit, location and description of property, and amounts of assessment, payment and delinquency. Arr. num. by duplicate nos. No index. Hdw. 318 pp. 17 x 16 x 2. Aud. and treas. rec. rm.

## 237. REGISTER OF PIKE TAXES, 1888-89. 1 vol.

Register of collection of pike road tax assessments, showing date of payment, name of taxpayer, and amounts of payment, delinquency and penalty. Arr. chron. by dates of payments. No index. Hdw. 300 pp. 18 x 12 x 1½. Aud. and treas. rec. rm.

## COLLECTIONS

## 238. REGISTER OF TAXES COLLECTED, 1900-. 35 vols. (five vols. not labeled, 6, 8, 1-23). Title varies: Cash Book of Taxes, 1900-1924, 19 vols. 1868-73, 1882-99 in Cash Book of Receipts Other Than Taxes, entry 247.

Daily register of taxes collected, showing date and amount of collection, tax duplicate number, and name of taxpayer. Arr. chron. by dates of collection. No index. Hdw. 644 pp. 19 x 18 x 2. 23 vols., 1900-1927, aud. and treas. rec. rm.; 4 vols., 1928-37, bsmt. stor. rm.; 3 vols., 1938-, treas. off.

## 239. TAX RECEIPTS, 1869, 1894, 1899-. 1,659 vols., 12 bdls.

Duplicates of receipts issued for tax payments, showing date and amount of payment, duplicate and receipts numbers, names of taxpayer and taxing unit, location and description of real property, assessed valuation of real and personal property, amounts of exemption and current or delinquent tax, and number of polls. Arr. by names of taxing units, thereunder alph. by names of taxpayers. No index. Hdw. Vols., 200 pp. 15 x 8 x 1; bdls., 8 x 4 x 6. 509 vols., 1869, 1894, 1914-18, 1922-36, bsmt. stor. rm.; 1,019 vols., 1899-1916, 1918-19, 1921, 1923-24, attic stor. rm.; 131 vols., 1899-1909, 1916, 1920, 1924, I. U. Libr. bsmt.; 12 bdls., 1934-, aud. and treas. rec. rm.

240. COLLECTION REGISTER, 1861-81, 1884, 1886, 1887, 1890, 1891, 1893-97, 1900-1903, 1909. 45 vols. Title varies: Register of Receipts, Delinquent List, 1861-78, 1880-81, 2 vols. Discontinued.

Record of receipts of delinquent tax payments, showing date, nature and amount of receipt, duplicate and receipt numbers, names of taxpayer and taxing unit, location, description and assessed valuation of real property, value of personal property, number of polls, amounts of delinquent tax, penalty and interest, and total. Arr. chron. by dates of receipts. No index. Hdw. 400 pp. 16 x 11 x 2. 2 vols., 1861-78, 1880-81, aud. and treas. rec. rm.; 43 vols., 1874, 1878-81, 1884, 1886, 1887, 1890, 1891, 1893-97, 1900-1903, 1909, I. U. Libr. bsmt.

RECEIPTS AND DISBURSEMENTS  
(See also entries 260-289)

GENERAL FUND

241. DAILY BALANCE OF CASH AND DEPOSITORIES, 1907, 1916-. 24 vols. (1, 1-23).

Record of daily cash and depository balances, showing date of balance, amounts of opening and closing balance, nature and amount of receipts and disbursements, deposits and withdrawals, and name of depository. Arr. chron. by dates of balances. No index. Hdw. 644 pp. 18 x 12 x 3. Aud. and treas. rec. rm.

242. RECORD OF MONTHLY BALANCES, 1900-. 6 vols. (1, 2, four vols. not labeled). 1867-75, 1893-99 in Ledger of Receipts and Disbursements, entry 244.

Record of monthly balances of county funds, showing date of balance, amounts of receipts, disbursements, previous and closing balances, and total. Arr. chron. by dates of balances. No index. Hdw. 150 pp. 18 x 15 x 1. 1 vol., 1900-1910, bsmt. stor. rm.; 3 vols., 1911-32, aud. and treas. rec. rm.; 2 vols., 1933-, treas. off.

243. REGISTER OF WARRANTS BY DEPOSITORIES, 1925-. 5 vols. (1-5).

Record of warrants drawn on depositories, showing date, number and amount of warrant, names of fund and depository, date redeemed, and volume and page reference to Ledger of Receipts and Disbursements, entry 244. Arr. chron. by dates of warrants. No index. Hdw. 490 pp. 19 x 16 x 2½. Aud. and treas. rec. rm.

244. LEDGER OF RECEIPTS AND DISBURSEMENTS, 1841-54, 1860-75, 1893-99, 1925-. 14 vols. Title varies: Ledger, 1841-54, 1860-66, 2 vols.; Condensed Ledger, 1867-75, 1893-99, 7 vols.

Record of receipts and disbursements of county funds, showing dates and amounts of receipts and disbursements, receipt and warrant numbers, and names of payer, payee and fund. This is a combination of two records intercurrently kept separately: Record of Receipts, entry 245; Record of Disbursements, entry 246. Also contains: Record of Monthly Balances, 1867-75, 1893-99, entry 242; Cash Book of Receipts Other Than Taxes, 1925-, entry 247; Cash Book of Disbursements on Auditor's Warrants, 1925-, entry 248; Register of Receipts of School Funds, 1925-, entry 251; Register of Orders, School Funds, 1925-, entry 252. Arr. by names of funds, thereunder chron. by dates of receipts and disbursements. No index. Hdw. 400 pp. 16 x 16 x 3. 4 vols., 1841-54, 1930-35, aud. and treas. rec. rm.; 2 vols., 1860-66, 1925-29, bsmt. stor. rm.; 7 vols., 1867-75, 1893-99, attic stor. rm.; 1 vol., 1936-, treas. off.

245. RECORD OF RECEIPTS, 1900-1924. 6 vols. 1841-54, 1860-75, 1893-99, 1925- in Ledger of Receipts and Disbursements, entry 244.

Record of receipts of county revenue, showing date, nature, number and amount of receipt, names of payer and fund, and total receipts. Arr. chron. by dates of receipts. No index. Hdw. 300 pp. 18 x 12 x 3. 3 vols., 1900-1903, 1909-15, bsmt. stor. rm.; 1 vol., 1904-08, attic stor. rm.; 2 vols., 1916-24, aud. and treas. rec. rm.

246. RECORD OF DISBURSEMENTS, 1900-15, 1920-24. 5 vols. (three vols. not labeled, 4, one vol. not labeled). Title varies: Combined Appropriation & Disbursement, Treasurer, 1900-1901, 1 vol. 1841-54, 1860-75, 1893-99, 1925- in Ledger of Receipts and Disbursements, entry 244.

Record of disbursements of county funds, showing date, number, nature and amount of warrant, names of payee and fund, and total disbursements. Arr. chron. by dates of warrants. No index. Hdw. 240 pp. 17 x 24 x 2½. 3 vols., 1900-1910, 1913-15, bsmt. stor. rm.; 1 vol., 1911-12, aud. and treas. rec. rm.; 1 vol., 1920-24, attic stor. rm.

247. CASH BOOK OF RECEIPTS OTHER THAN TAXES, 1868-73, 1883-1924. 18 vols. Title varies: Register of Receipts, 1868-73, 1 vol.; Cash Book, 1883-May 1916, 16 vols.; 1841-67 in Journal, entry 249; 1925- in Ledger of Receipts and Disbursements, entry 244.

Register of receipts, showing date, number and amount of

receipt, and names of payer and fund. Also contains: Register of Taxes Collected, 1868-73, 1883-99, entry 238; Register of Receipts of School Funds, 1869-73, 1883-1924, entry 251. Arr. chron. by dates of receipts. No index. Hdw. 485 pp. 18 x 12 x 2½. 2 vols., 1868-73, 1911-24, attic stor. rm.; 16 vols., 1883-1910, aud. and treas. rec. rm.

248. CASH BOOK OF DISBURSEMENTS ON AUDITOR'S WARRANTS, 1868-75, 1901-2, 1904-6, 1909-24. 5 vols. Title varies: Register of Orders, 1868-75, 1901-2, 1904-6, 1909-10, 4 vols. 1841-67 in Journal, entry 249; 1925- in Ledger of Receipts and Disbursements, entry 244.

Record of disbursements of county funds, showing date, number and amount of warrant, date countersigned by treasurer, and names of payee, fund and depository. Also contains: Register of Orders, School Funds, entry 252. Arr. chron. by dates countersigned. No index. Hdw. 450 pp. 18 x 12 x 2½. Aud. and treas. rec. rm.

249. JOURNAL, 1841-67. 3 vols.

Register of receipts and disbursements of county funds, showing date, nature and amount of receipts and disbursements, and receipt or voucher number. This is a combination of two records later kept separately: Cash Book of Receipts Other Than Taxes, entry 247; Cash Book of Disbursements on Auditor's Warrants, entry 248. Also contains: Register of Receipts of School Funds, 1841-59, entry 251; Register of Orders, School Funds, 1841-59, entry 252. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 112 pp. 18 x 16 x 2. 2 vols., 1841-51, 1864-67, bsmt. stor. rm.; 1 vol., 1852-63, aud. and treas. rec. rm.

250. DEPOSITS AND WITHDRAWALS OF PUBLIC FUNDS IN DEPOSITORIES, 1911-16. 2 vols. (1, 2). Discontinued.

Record of deposits and withdrawals of county funds, showing date of deposit, date, number and amount of warrant, date warrant presented, amounts of deposits, withdrawals and balance, and name of depository. Arr. chron. by dates warrants presented. No index. Hdw. 482 pp. 16 x 14 x 2. Treas. off.

#### SCHOOL FUNDS

251. REGISTER OF RECEIPTS OF SCHOOL FUNDS, 1860-68. 1 vol. 1841-59 in Journal, entry 249; 1869-73, 1883-1924 in Cash Book of Receipts Other Than Taxes, entry 247; 1925- in Ledger of Receipts and Disbursements, entry 244.

Record of payments of principal and interest on common school



fund loans, showing date, nature, number and amount of receipt, and names of payer and fund. Arr. chron. by dates of receipts. No index. Hdw. 400 pp. 16 x 10 x 2. Aud. and treas. rec. rm.

252. REGISTER OF ORDERS, SCHOOL FUNDS, 1860-67. 1 vol. 1841-59 in Journal, entry 249; 1868-75, 1901-2, 1904-6, 1909-24 in Cash Book of Disbursements on Auditor's Warrants, entry 248; 1925- in Ledger of Receipts and Disbursements, entry 244.

Register of orders drawn for disbursements of common and Congressional Township school funds, showing date, number, nature and amount of order, and names of payee and fund. Arr. chron. by dates of orders. No index. Hdw. 300 pp. 10 x 15 x 2. Attic stor. rm.

## XV. AUDITOR

### LEGAL STATUS

The office of auditor exists under the mandatory provisions of the Constitution of 1851, and has existed in Monroe County since 1841. The auditor is elected for a 4-year term by the voters of the county.<sup>1</sup> He is commissioned by the Governor of Indiana<sup>2</sup> and holds office until his successor is elected and qualified.<sup>3</sup> No person is eligible to hold the office more than 8 years in any 12-year period.<sup>4</sup> The auditor must be an elector of the county at the time of his election, must have been an inhabitant thereof throughout the preceding year,<sup>5</sup> must reside within the county after his election, must not hold any other lucrative office, and must not practice law.<sup>6</sup> He must post bond in the amount of \$10,000, to be approved by the board of commissioners and filed

---

<sup>1</sup> Const. 1851, art. 6, sec. 2. 1 Rev. Stat. 1852; Burns 49-3001; Baldwin 5415. See footnote 19 herein.

<sup>2</sup> Const. 1851, art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

<sup>3</sup> Const. 1851, art. 15, sec. 3. 1 Rev. Stat. 1852; Burns 49-3001; Baldwin 5415. Griebel v. State *ex rel.* Niezer (1887), 111 Ind. 369, 12 N. E. 700.

<sup>4</sup> Const. 1851, art. 2, sec. 11; art. 6, sec. 2.

<sup>5</sup> *Ibid.*, sec. 4. State *ex rel.* Jeffries v. Kilroy (1882), 86 Ind. 118.

<sup>6</sup> Const. 1851, art. 2, sec. 9; art. 6, sec. 6. Acts 1881 (Spec. Sess.); ch. 37, sec. 115. Acts 1905; Burns 10-3102; Baldwin 2635. State v. Allen (1863), 21 Ind. 516; Wells v. State *ex rel.* Peden (1911), 175 Ind. 380, 94 N. E. 321.

with the clerk of the circuit court.<sup>7</sup> The auditor must take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.<sup>8</sup>

The auditor receives a regular salary of \$2,800 per year.<sup>9</sup> In addition to his regular salary he receives \$150 per year for services rendered for the city of Bloomington; and from 1907 to 1932, and in 1935 and 1936, he also received \$50 per year for acting as secretary of the board of finance of Monroe County; and from 1919 until 1933 he also received \$5 per day for each day actually served as a member of the county board of review.<sup>10</sup> He is not entitled to retain, as compensation for himself, any fees collected by him.<sup>11</sup>

For sufficient legal grounds the auditor may be removed from office by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.<sup>12</sup> If the auditor is convicted of a felony the judgment of conviction must declare the office vacant.<sup>13</sup>

Any vacancy in the office of auditor is filled through appointment by the board of commissioners. At the next biennial general election (held on the 1st Tuesday after the 1st Monday in November in the even-numbered years), an auditor is elected for the remainder of the term in which the vacancy occurred. The person appointed or elected to fill a vacancy must take oath and post bond, as was required of his

<sup>7</sup> Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068. Acts 1889; Burns 49-3093; Baldwin 5417.

<sup>8</sup> Const. 1851, art. 15, sec. 4. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

<sup>9</sup> Acts 1871, ch. 17, sec. 28. Acts 1933; Burns 49-1004; Baldwin 7534.

<sup>10</sup> Acts 1907, ch. 222, sec. 7 (repealed by Acts 1935, ch. 70, sec. 42). Acts 1935, ch. 70, sec. 7 (repealed by Acts 1937, ch. 3, sec. 42). Acts 1933; Burns 49-1228, 49-1001, 49-1004; Baldwin 11409, 7531, 7534. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201, 64-1204; Baldwin 15700, 15703. Board of County Comrs. v. Johnson (1891), 127 Ind. 238, 26 N. E. 821; Tucker v. State *ex rel.* Board of County Comrs. (1904), 163 Ind. 403, 71 N. E. 140; Board of County Comrs. v. Crowe (1938), 214 Ind. 437, 446 (two cases), 14 N. E. (2d) 903, 907, 15 N. E. (2d) 1016. *Opinions of the Attorney General of Indiana, 1934*, p. 312; *1936*, p. 130.

<sup>11</sup> Acts 1933; Burns 49-1005; Baldwin 7535. Workman v. State *ex rel.* Board of County Comrs. (1905), 165 Ind. 42, 73 N. E. 917.

<sup>12</sup> Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

<sup>13</sup> Acts 1897, 1899; Burns 49-834; Baldwin 13050.

predecessor; and he holds office until his successor is elected and qualified.<sup>14</sup>

The auditor may appoint deputies and assistants under authority from the board of commissioners. One deputy may be appointed without such authorization. The county council fixes the salaries of the deputies and assistants, which must be not less than \$75 nor more than \$200 per month.<sup>15</sup> The auditor may require any deputy to give bond.<sup>16</sup> The deputies must take the oath required of the auditor, may perform all the official duties of the auditor, and are subject to the same regulations and penalties.<sup>17</sup> The auditor may remove such deputies and assistants at any time and is responsible for their official acts.<sup>18</sup>

The office of auditor was created in Monroe County by an act of 1841 and became a constitutional office when the Constitution of 1851 was adopted. Under the act of 1841 the auditor was elected by the voters of the county for a 5-year term.<sup>19</sup>

Most of the early duties of the auditor were transferred to him from the clerk of the circuit court,<sup>20</sup> and included the clerk's previous duties as clerk of the board doing county business,<sup>21</sup> as member of the boards performing duties similar to those of present county board of review,<sup>22</sup> and duties con-

<sup>14</sup> Const. 1851, art. 6, sec. 9. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081. 1 Rev. Stat. 1852; Burns 49-405, 49-408, 49-409; Baldwin 13104, 13106, 13107. *Douglass v. State ex rel. Wright* (1869), 31 Ind. 429. *Opinions of the Attorney General of Indiana, 1936*, p. 9. Interview of July 11, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

<sup>15</sup> 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532. *Opinions of the Attorney General of Indiana, 1934*, p. 256; *1937*, p. 324.

<sup>16</sup> 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108.

<sup>17</sup> 1 Rev. Stat. 1852; Burns 49-502; Baldwin 13109.

<sup>18</sup> 1 Rev. Stat. 1852; Burns 49-503; Baldwin 13110. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532.

<sup>19</sup> Const. 1851, art. 6, sec. 2. Acts 1940-41 (general), ch. 2, sec. 1. *Jones v. Cavins* (1853), 4 Ind. 305.

<sup>20</sup> *Jones v. Cavins* (1853), 4 Ind. 305.

<sup>21</sup> Acts 1816-17, ch. 15, sec. 6. Rev. Laws 1824, ch. 15, sec. 5; ch. 16, sec. 6. Rev. Laws 1831, ch. 20, sec. 6. Acts 1840-41 (general), ch. 2, secs. 8, 54. Rev. Stat. 1843, ch. 7, secs. 5, 16, 17, 53.

<sup>22</sup> Acts 1817-18 (general), ch. 42, sec. 12. Rev. Laws 1824, ch. 86, sec. 7. Acts 1825, ch. 47, sec. 3. Rev. Laws 1831, ch. 81, secs. 5, 7, 8. Acts 1838-39 (general), ch. 14, secs. 14, 15.

cerning elections,<sup>23</sup> taxation, finance, county business,<sup>24</sup> and selection of petit jurors and grand jurors.<sup>25</sup>

From 1818 to 1852 Monroe County had a county agent, appointed by the board doing county business. He performed various duties concerning county business, as required by the board, including the collection of donations for the county, purchase of land, equipment, and supplies, the sale of county property and collection of purchase price thereof, and the making of contracts for public improvements. Originally he was appointed for an indefinite term. From 1843 until 1852 he was appointed for a 3-year term. In 1852 his office was abolished and his duties were transferred to the auditor.<sup>26</sup>

#### FUNCTIONS AND RECORDS

The auditor is the financial agent of the county and the routine administration of county affairs centers in his office, through which all financial transactions are conducted.

The auditor is clerk of the board of commissioners,<sup>27</sup> the county council,<sup>28</sup> and the county board of tax adjustment;<sup>29</sup> and he is secretary of the board of finance.<sup>30</sup> He is also a member and secretary of the county board of review,<sup>31</sup> and a

<sup>23</sup> Acts 1816-17, ch. 9, secs. 12-14, 16, 19; ch. 14, sec. 4. Rev. Stat. 1838, ch. 32, secs. 18, 19. Acts 1834-35 (general), ch. 43, sec. 1. Acts 1841-42 (general), ch. 45, sec. 8. Rev. Stat. 1843, ch. 5, sec. 103. Acts 1875, ch. 7, sec. 1. Acts 1881 (Spec. Sess.), ch. 47, sec. 13. Acts 1908 (Spec. Sess.), ch. 2, sec. 1. Acts 1911, ch. 7, sec. 5; ch. 150, secs. 5, 13 (both sections repealed by Acts 1913, ch. 185, sec. 25).

<sup>24</sup> Acts 1815, ch. 5, secs. 5, 13, 17; ch. 10, secs. 1-3. Rev. Laws 1824, ch. 23, sec. 6; ch. 86, secs. 7, 10, 11, 17, 19, 29, 36, 41. Acts 1825, ch. 49, sec. 2. Acts 1825-26, ch. 58, sec. 2. Acts 1829-30, ch. 9, sec. 1. Acts 1831-32, ch. 174, sec. 1. Acts 1834-35 (general), ch. 10, sec. 5; ch. 11, secs. 5, 18. Rev. Stat. 1838, ch. 91, sec. 26; ch. 95, sec. 1. Acts 1840-41 (general), ch. 2, sec. 54.

<sup>25</sup> Acts 1841-42 (general), ch. 45, sec. 6. 2 Rev. Stat. 1852, pt. 1, ch. 9, sec. 1, p. 24. Acts 1853, ch. 59, sec. 1. These duties were discontinued in 1881. Acts 1881 (Spec. Sess.), 1899, 1913; Burns 4-3301, 4-3304, 4-3306; Baldwin 1266, 1267, 1270.

<sup>26</sup> Acts 1817-18 (special), ch. 1, sec. 2; ch. 2, sec. 1. Rev. Laws 1824, ch. 93, secs. 1, 2, 4, 6, 8, 9. Acts 1841-42 (general), ch. 67, sec. 2. Rev. Stat. 1843, ch. 4, sec. 48. Acts 1851-52, ch. 2.

<sup>27</sup> Acts 1840-41 (general), ch. 2, secs. 8, 54. Rev. Stat. 1843, ch. 7, secs. 5, 16, 17, 53. Acts 1855, ch. 37, sec. 1. 1 Rev. Stat. 1852; Burns 26-611, 26-621, 49-3004; Baldwin 5226, 5238, 5418.

<sup>28</sup> Acts 1899; Burns 26-509; Baldwin 5373.

<sup>29</sup> Acts 1932 (Spec. Sess.), ch. 10, sec. 4. Acts 1933, ch. 237, sec. 4. Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

<sup>30</sup> Acts 1937; Burns, 1939 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

<sup>31</sup> Acts 1891, ch. 99, secs. 114, 116. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.



member of the county school fund board.<sup>32</sup> From 1841 to 1890 he was a member of the boards performing duties analogous to those of the present county board of review.<sup>33</sup> Formerly the auditor was a member of the election board under the local option liquor laws,<sup>34</sup> and was clerk of the old-age pension board.<sup>35</sup> The auditor keeps the records for the boards of which he is clerk or secretary.

Copies of reports to the state board of accounts by its field examiners showing the results of their examinations of county offices are filed with the auditor.<sup>36</sup> Annually the auditor reports to the state examiner the financial condition of the county and the school funds charged to it.<sup>37</sup>

The clerk of the circuit court, treasurer, sheriff, and recorder must make reports of fees to the auditor quarterly and at the expiration of their terms of office. The treasurer also makes a monthly report to the auditor showing the total amount of cash payments received by the treasurer during the month and the respective accounts to which such payments were applied. The clerk of the circuit court annually delivers to the auditor a list of all fines and jury fees collected during the preceding year, and also a list of all fees in his hands which have remained unclaimed for 2 years, and the auditor enters such lists in his register of receipts and issues a quietus for the items of such lists which have been paid over to the treasurer.<sup>38</sup>

A copy of the annual report (accompanied by vouchers) of each township trustee to the township advisory board is

<sup>32</sup> Acts 1865, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6558.

<sup>33</sup> Acts 1838-39 (general), ch. 14, secs. 14, 15. Acts 1840-41 (general), ch. 1, secs. 13, 18  
1 Rev. Stat. 1852, ch. 6, sec. 91; ch. 35, sec. 2. Acts 1872 (Spec. Sess.), ch. 37, secs. 150, 277, 278.  
Acts 1877, ch. 89, sec. 1. Acts 1881 (Spec. Sess.), ch. 96, sec. 129.

<sup>34</sup> Acts 1908 (Spec. Sess.), ch. 2, sec. 5. Acts 1911, ch. 7, sec. 5. Kunkle v. Coleman  
(1910), 174 Ind. 315, 92 N. E. 61.

<sup>35</sup> Acts 1933, ch. 36, secs. 2, 9, 12 (all repealed by Acts 1936 (Spec. Sess.), ch. 3, sec.  
129).

<sup>36</sup> Acts 1909; Burns 60-211; Baldwin 13862.

<sup>37</sup> Acts 1909; Burns 60-204; Baldwin 13857.

<sup>38</sup> Acts 1841-42 (general), ch. 45, sec. 3. Acts 1871, ch. 17, secs. 20, 23, 27, 31. Acts  
1895, 1903, 1913; Burns 49-1402; Baldwin 7577. 2 Rev. Stat. 1852, Acts 1891; Burns 49-2710; Baldwin  
1437. Acts 1919; Burns 64-2101; Baldwin 15802.

Such lists were entered in the "order book of the board of commissioners" (commonly known as the "commissioners' record") before the state board of accounts provided otherwise in 1909. Interview of March 7, 1940 with E. P. Brennan, state examiner.

filed in the auditor's office.<sup>39</sup> Annually the township trustees report to the auditor the amount of claims in the several townships for livestock, fowls, or game destroyed or damaged by dogs; and the auditor annually reports to the auditor of state the amount of all such claims remaining unpaid for lack of funds.<sup>40</sup> Quarterly each justice of the peace in the county reports to the auditor all humane fund fees collected by him.<sup>41</sup>

Formerly the board of commissioners met in the auditor's office and audited the warrants of all township trustees in the county. These warrants and the board's decision thereon were registered by the auditor in a book kept for that purpose.<sup>42</sup>

The auditor keeps records of all financial transactions of the county. He keeps a fee and cash book,<sup>43</sup> a monthly balance record, and a record of receipts, appropriations, and disbursements.<sup>44</sup> He keeps separate accounts for each specific item of appropriation by the county council<sup>45</sup> and an account current, with the treasurer, of county funds.<sup>46</sup>

Claims against the county (for consideration by the board of commissioners) are filed with the auditor and presented by him to the board of commissioners.<sup>47</sup> He makes certificates showing claimant's compliance with his contract.<sup>48</sup> He publishes all such claims and allowances thereon and also all allowances against the county made by courts.<sup>49</sup> On appeals from decisions of the board of commissioners, the au-

<sup>39</sup> Acts 1899, 1901; Burns 65-318; Baldwin 16075.

<sup>40</sup> Acts 1927, ch. 176, sec. 10. Acts 1929, ch. 58, sec. 1. Acts 1937; Burns, 1939 suppl., 16-327; Baldwin, 1937 suppl., 3811-11.

<sup>41</sup> Acts 1881; Burns 5-1803; Baldwin 1874. Acts 1913; Burns 9-2502, 9-2503; Baldwin 3803, 3804. Acts 1909; Burns 60-214; Baldwin 13865.

<sup>42</sup> Acts 1897, ch. 144, secs. 1, 2.

<sup>43</sup> Acts 1840-41 (general), ch. 2, sec. 27. Acts 1871, ch. 17, sec. 38. Acts 1891, ch. 194, sec. 124. Acts 1895; Burns 49-1401; Baldwin 7576.

<sup>44</sup> Required by order of state board of accounts. Interview of May 18, 1939 with E. P. Brennan, state examiner.

<sup>45</sup> Acts 1899; Burns 26-523; Baldwin 5387.

<sup>46</sup> Acts 1840-41 (general), ch. 2, sec. 10. 1 Rev. Stat. 1852; Burns 49-3010; Baldwin 5423. Wells v. State *ex rel.* Board of County Comrs. (1864), 22 Ind. 241.

<sup>47</sup> Acts 1879 (Spec. Sess.); Burns 26-805.

<sup>48</sup> Acts 1839; Burns 26-538; Baldwin 5403.

<sup>49</sup> Acts 1875, ch. 18, sec. 1. Acts 1899; Burns 26-816; Baldwin 5268. Acts 1931; Burns 26-817 to 26-819; Baldwin 5269 to 5271. Cheney v. State *ex rel.* Risk (1905), 165 Ind. 121, 74 N. E. 892.

ditor approves the appeal bond, prepares the transcript of proceedings, and transmits the bond, transcript, and all documents to the reviewing court.<sup>50</sup>

Funds in the county treasury are disbursed on warrants drawn by the auditor on the county treasurer.<sup>51</sup> The auditor publishes a call for redemption of interest-bearing warrants, when money is available therefor.<sup>52</sup> Treasurer's receipts for payments other than for taxes are deposited by the payers with the auditor, who issues quietuses therefor.<sup>53</sup> All redeemed or canceled warrants are deposited quarterly by the treasurer with the auditor, for permanent filing.<sup>54</sup>

When the auditor draws a warrant he charges it against the appropriation and particular fund under which it was drawn. Apportionment is made if more than one fund or appropriation is involved.<sup>55</sup> Records of the warrants are kept in the manner prescribed by the state board of accounts. Formerly the number, date, amount, name of payee, and purpose of the warrant were entered in a book as prescribed by statute.<sup>56</sup> The auditor examines and settles all accounts and demands chargeable against the county which no law requires to be settled and allowed by some other tribunal or person.<sup>57</sup> Before issuing a warrant or quietus the auditor must examine the account to ascertain whether it is correct and in proper form; and for this purpose may require the furnishing of information, vouchers, and exhibits sufficient to satisfy himself.<sup>58</sup> The action of mandamus lies to compel the auditor to draw a warrant on the county treasury.<sup>59</sup>

<sup>50</sup> 1 Rev. Stat. 1852; Burns 26-902, 26-903; Baldwin 5273, 5279. *Scotten v. Divelbiss* (1874), 46 Ind. 301; *Shirk v. Moore* (1884), 96 Ind. 109; *Strebin v. Lavengood* (1904), 163 Ind. 478, 71 N. E. 494; *Smith v. Gustin* (1907), 169 Ind. 42, 81 N. E. 722.

<sup>51</sup> 1 Rev. Stat. 1843, ch. 7, secs. 76, 79. Acts 1899, 1935; Burns, 1939 suppl., 26-522; Baldwin, 1935 suppl., 5386. Acts 1889; Burns 49-3007; Baldwin 5420. 1 Rev. Stat. 1852; Burns 49-3103, 49-3111; Baldwin 5550, 5558. Acts 1937; Burns, 1939 suppl., 61-627; Baldwin, 1937 suppl., 13844-48.

<sup>52</sup> Acts 1889; Burns 49-3007, 49-3003; Baldwin 5420, 5421.

<sup>53</sup> 1 Rev. Stat. 1843, ch. 7, sec. 77. 2 Rev. Stat. 1852, Acts 1891; Burns 49-2710; Baldwin 1437. 1 Rev. Stat. 1852; Burns 49-3010, 49-3104; Baldwin 5423, 5551.

<sup>54</sup> 1 Rev. Stat. 1843, ch. 7, secs. 79, 85. 1 Rev. Stat. 1852; Burns 49-3114; Baldwin 5561. Interview of June 14, 1939 with E. P. Brennan, state examiner.

<sup>55</sup> Acts 1899; Burns 26-544; Baldwin 5409.

<sup>56</sup> 1 Rev. Stat. 1843, ch. 7, sec. 56. 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419. Acts 1909; Burns 60-202; Baldwin 13855. Interview of August 15, 1939 with E. P. Brennan, state examiner.

<sup>57</sup> 1 Rev. Stat. 1843, ch. 7, sec. 56. 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419.

<sup>58</sup> Acts 1909; Burns 60-215; Baldwin 13866.

<sup>59</sup> *Gill v. State ex rel. Board of County Comrs.* (1880), 72 Ind. 266.

On claims allowed by courts for cost of administration of justice,<sup>60</sup> and on claims (including claims on judgments) allowed by the board of commissioners, the auditor issues his warrant.<sup>61</sup> But a warrant may be issued to pay a judgment, or for management of the school fund, or for expenses of insanity inquests, or for salaries or other liabilities for specific amounts fixed by law, when no claim therefor has been allowed as aforesaid.<sup>62</sup> A warrant not called for within 5 years after the allowance of the claim on which it was drawn may be canceled by the board of commissioners, if not called for after publication of notice.<sup>63</sup>

The auditor keeps an account with each township showing expenditures and tax levies for poor relief, keeps reports of public welfare officials, and keeps records of county welfare funds.<sup>64</sup>

The auditor compiles budget estimates made by the county officers and boards; keeps them on file for 1 month, subject to inspection by any taxpayer; and submits them with his recommendations to the county council at its annual meeting.<sup>65</sup>

The auditor furnishes all county officials with books, stationery, and blanks required in doing the public business pertaining to the auditor's office.<sup>66</sup>

<sup>60</sup> Acts 1921, 1935; Burns, 1939 suppl., 4-3107; Baldwin, 1935 suppl., 1256. Acts 1881 (Spec. Sess.), 1903, 1913, 1927, 1933; Burns 4-3319, 4-3407; Baldwin 1277, 1286. Acts 1921, 1933; Burns, 1939 suppl., 4-3507; Baldwin, 1939 suppl., 1298-1. Acts 1893; Burns 4-3511; Baldwin 1300. Acts 1905; Burns 9-1312 to 9-1315; Baldwin 2233 to 2236. 1 Rev. Stat. 1852; Burns 9-2408; Baldwin 1306. Acts 1899; Burns 26-515, 26-816; Baldwin 5379, 5391, 5263. Acts 1931; Burns 26-817, 26-818; Baldwin 5269, 5270. Acts 1895, 1905, 1915, 1919; Burns 49-1311; Baldwin 7570. Acts 1879 (Spec. Sess.); Burns 49-1432, 49-1434; Baldwin 13127, 13128. 2 Rev. Stat. 1852; Burns 49-2709, 49-2804; Baldwin 1436, 5496.

<sup>61</sup> Rev. Stat. 1843, ch. 7, secs. 76, 79. Acts 1897; Burns 26-809; Baldwin 5257. Acts 1911; Burns 26-813, 26-814; Baldwin 5264, 5265.

<sup>62</sup> Acts 1897; Burns 26-809; Baldwin 5257. 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419. *Blue v. State ex rel. Powell* (1936), 210 Ind. 486, 1 N. E. (2d) 122.

<sup>63</sup> Acts 1879 (Spec. Sess.); Burns 26-815; Baldwin 5273.

<sup>64</sup> Acts 1895, ch. 120, sec. 2. Acts 1897, ch. 151, sec. 1 (repealed by Acts 1901, ch. 147, sec. 39). Acts 1901, ch. 147, secs. 11, 12, 19, 20 (all repealed by Acts 1935, ch. 116, sec. 38). Acts 1907, ch. 161, sec. 1 (repealed by Acts 1935, ch. 116, sec. 38). Acts 1935; Burns, 1939 suppl., 52-158; Baldwin, 1935 suppl., 13320-15. Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1402; Baldwin, 1937 suppl., 14078-114.

<sup>65</sup> Acts 1899; Burns 26-516 to 26-520; Baldwin 5380 to 5384. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331, 64-1339; Baldwin, 1935 suppl., 15735, 15737-1.

<sup>66</sup> Acts 1879 (Spec. Sess.); Burns 49-3018; Baldwin 5434.



Specifications, bids, and contracts for materials and supplies required for county officials for the ensuing year are placed on file and kept in the auditor's office where they are open to public inspection.<sup>67</sup>

When the county borrows money, the bonds or notes are executed by the county commissioners and are attested, advertised, and sold by the auditor. Printed copies of the ordinance authorizing the bond issue, together with specifications describing the bonds, are kept on file in the auditor's office, open to public inspection.<sup>68</sup> If the amount of a bond issue exceeds \$5,000, and if 10 taxpayers file objections with the auditor, the objections will be certified by the auditor to the state board of tax commissioners for hearing and disposition.<sup>69</sup> Contracts for extension of time for payment of county or township bonds by issuance of "redemption bonds" are executed by the county commissioners and attested by the auditor, and one executed copy is kept by the auditor; and the auditor keeps a record of redemption bonds issued in pursuance of such contract.<sup>70</sup>

The auditor, as relator, may sue, in the name of the state, to recover money owing to the county;<sup>71</sup> and the auditor may compromise the suits brought by him and receive the money agreed to be paid.<sup>72</sup>

The auditor prepares the ditch duplicate showing special assessments against lands for construction or repair of ditches and drains.<sup>73</sup> Assessments for flood gates<sup>74</sup> and for the cutting or eradicating of Canada thistles<sup>75</sup> are placed on

<sup>67</sup> Acts 1899, 1903, 1933; Burns 26-536; Baldwin 5401.

<sup>68</sup> Acts 1899, 1921; Burns 26-540; Baldwin 5405.

<sup>69</sup> *Ibid.* Acts 1919, 1920 (Spec. Sess.), 1921, 1923; Burns 64-1352; Baldwin 15736.

<sup>70</sup> Acts 1933; Burns 26-1015 to 26-1017; Baldwin 5353 to 5355.

<sup>71</sup> 1 Rev. Stat. 1852; Burns 49-2017; Baldwin 5431. *Rogers v. Gibson* (1860), 15 Ind. 218; *Scotten v. State ex rel. Simonton* (1875), 51 Ind. 52; *Yater v. State ex rel. Board of County Comrs.* (1877), 58 Ind. 292; *Hostetler v. State ex rel. Dean* (1878), 62 Ind. 183; *Vanarsdall v. State ex rel. Watson* (1879), 65 Ind. 176; *Gauntt v. State ex rel. Stout* (1881), 81 Ind. 137; *Heagy v. State ex rel. Ferkner* (1882), 85 Ind. 260; *Demarest v. Holdeman* (1901), 157 Ind. 467, 62 N. E. 17.

<sup>72</sup> *Cabel v. McCafferty* (1876), 53 Ind. 75; *Vigo Twp. v. Board of County Comrs.* (1887), 111 Ind. 170, 12 N. E. 365.

<sup>73</sup> Acts 1881 (Spec. Sess.), ch. 43, sec. 5 (repealed by Acts 1885 (Spec. Sess.), ch. 40, sec. 13). Acts 1933; Burns 27-134; Baldwin 5770. *Storms v. Stevens* (1895), 104 Ind. 46, 3 N. E. 401; *Lockwood v. Ferguson* (1896), 105 Ind. 380, 5 N. E. 3; *Board of County Comrs. v. Fahlor* (1898), 114 Ind. 176, 15 N. E. 830.

<sup>74</sup> Acts 1903; Burns 27-703; Baldwin 5841.

<sup>75</sup> Acts 1929, 1937; Burns, 1939 suppl., 15-904; Baldwin, 1937 suppl., 3719.

the tax duplicate by him. Formerly petitions for drainage and levee improvements were filed with the auditor and he gave notice to viewers and kept a record of all proceedings concerning such improvements.<sup>76</sup>

The board doing county business has always had power to establish, construct, repair, and vacate county roads.<sup>77</sup> The auditor, being clerk of said board, has, accordingly, kept a record of road proceedings.<sup>78</sup> Road petitions are filed with the auditor for presentment to the board of commissioners.<sup>79</sup> When road viewers are appointed by the board, the auditor notifies the viewers and the county surveyor of their appointment and the time and place for their meeting.<sup>80</sup> Reports of road viewers are filed with the auditor and he enters road assessments on the tax duplicate or special assessment roll.<sup>81</sup> The county highway supervisor files with the auditor requisitions for all tools, implements, supplies, materials, and equipment needed for county roads.<sup>82</sup> Formerly the auditor annually delivered to the road supervisor a list of landowners of the county<sup>83</sup> and annually delivered to each township trustee a list of all road taxes assessed against each individual in the township.<sup>84</sup>

---

<sup>76</sup> Acts 1881 (Spec. Sess.), ch. 44, sec. 2 (repealed by Acts 1885 (Spec. Sess.), ch. 40, sec. 13). Acts 1891, ch. 195, secs. 2, 24. Acts 1837, ch. 133, secs. 1, 4. *Simonton v. Hays* (1882), 88 Ind. 70; *Vizzard v. Taylor* (1884), 97 Ind. 90; *White v. Fleming* (1898), 114 Ind. 560, 16 N. E. 487; *Cooper v. Ray* (1897), 148 Ind. 323, 47 N. E. 668.

<sup>77</sup> Acts 1807, ch. 44, secs. 1-24. Acts 1811, ch. 29, secs. 1, 2. Acts 1815, ch. 5, secs. 1-20. Acts 1816-17, ch. 8, secs. 1, 4-8, 10, 11, 15, 22. Acts 1817-18 (general), ch. 43, secs. 1, 23. Acts 1818-19, ch. 11, secs. 2, 7, 11, 12. Acts 1819-20, ch. 55, secs. 31, 33. Rev. Laws 1824, ch. 87, secs. 1, 4-7, 9, 12, 15, 24, 25. Rev. Laws 1831, ch. 20, sec. 22; ch. 82, secs. 1, 4, 6, 12, 14, 28, 47. 1 Rev. Stat. 1852, ch. 48. Acts 1881 (Spec. Sess.), chs. 61-64. Acts 1905, 1907; Burns 36-201 *et seq.*; Baldwin 8756 *et seq.* Acts 1919; Burns 36-361 *et seq.*; Baldwin 8859 *et seq.* Acts 1907; Burns 36-401 *et seq.*; Baldwin 8992 *et seq.* Acts 1919; Burns 36-501 *et seq.*; Baldwin 8879 *et seq.* Acts 1933; Burns 36-1101 *et seq.*; Baldwin 8699 *et seq.*

<sup>78</sup> Acts 1921; Burns 36-1451; Baldwin 8954. Acts 1905; Burns 36-1222; Baldwin 8823.

<sup>79</sup> Acts 1919, 1921; Burns 36-304; Baldwin 8862.

<sup>80</sup> Acts 1895, ch. 11, sec. 1. Acts 1905, 1907; Burns 36-1301; Baldwin 8787. *Turpin v. Eagle Creek & L. W. L. G. R. Co.* (1874), 48 Ind. 45.

<sup>81</sup> Acts 1869 (Spec. Sess.), ch. 35, sec. 3 (repealed by Acts 1929, ch. 215, sec. 73). Acts 1877, ch. 46, sec. 3. Acts 1905, 1907; Burns 36-1301, 36-1305; Baldwin 8787, 8791. Acts 1921; Burns 36-1412; Baldwin 8915. *Florer v. McAfee* (1893), 135 Ind. 540, 35 N. E. 277; *Smyth v. State ex rel. Braun* (1902), 153 Ind. 332, 62 N. E. 449.

<sup>82</sup> Acts 1935; Burns, 1939 suppl., 36-1114; Baldwin, 1935 suppl., 8703-1.

<sup>83</sup> Rev. Stat. 1843, ch. 16, sec. 105.

<sup>84</sup> Acts 1883, ch. 56, sec. 20.

Petitions for condemnation of schoolhouses, as unfit for use for school purposes, are filed with the auditor. The auditor mails and publishes notices of hearings, and calls special joint sessions of the board of commissioners and county council to hold hearings on such petitions.<sup>85</sup>

In each township having a population not exceeding 5,000 (all townships except Bloomington and Perry), the office of township assessor has been abolished, and the duties of such office are performed by the township trustee. Reference herein to the township assessor includes the township trustee performing the duties prescribed by statutes for township assessors.<sup>86</sup>

The auditor certifies to the city officials the number of taxable polls therein,<sup>87</sup> adds omitted polls to the tax duplicate,<sup>88</sup> and certifies to the treasurer the amount of excise tax due from financial institutions.<sup>89</sup> For excise tax purposes, each financial institution delivers to the auditor monthly statements showing the number of its shares, amount of deposits, and kindred information.<sup>90</sup> The auditor is authorized to examine the records of the recorder and clerk of the circuit court to ascertain whether all persons have paid intangible taxes; and for this purpose may interrogate any person under oath and examine private records of such person.<sup>91</sup>

The excise tax on dogs and dog kennels is administered by the township assessors and the county auditor.<sup>92</sup>

The auditor issues licenses for peddlers, shows, theaters,<sup>93</sup> transient merchants,<sup>94</sup> and public warehouses.<sup>95</sup> He

<sup>85</sup> Acts 1931; Burns 28-3002 to 28-3004; Baldwin 6144 to 6146.

<sup>86</sup> Acts 1933; Burns 64-1031; Baldwin 15664.

<sup>87</sup> Acts 1905, 1911; Burns 48-6708; Baldwin 11516.

<sup>88</sup> Acts 1919; Burns 64-2102; Baldwin 15303.

<sup>89</sup> Acts 1933; Burns 64-810; Baldwin 15591.

<sup>90</sup> Acts 1933, 1935; Burns, 1939 suppl., 64-807; Baldwin, 1935 suppl., 15588.

<sup>91</sup> Acts 1933; Burns 64-917; Baldwin 15915.

<sup>92</sup> Acts 1897, ch. 119. Acts 1925, ch. 144 (repealed by Acts 1927, ch. 176, sec. 14). Acts 1927, ch. 176 (repealed by Acts 1937, ch. 133, sec. 16). Acts 1923; Burns 16-301, 16-302; Baldwin 3826, 3827. Acts 1937; Burns, 1939 suppl., 16-317; Baldwin, 1937 suppl., 3811-1. *Finerty v. State ex rel. School City of Gary* (1938), 213 Ind. 470, 12 N. E. (2d) 941.

<sup>93</sup> 1 Rev. Stat. 1852; Burns 42-204; Baldwin 10447. Acts 1917, 1937; Burns, 1939 suppl., 42-201; Baldwin, 1937 suppl., 10443. Acts 1901; Burns 42-502, 42-503; Baldwin 10470, 10471. Acts 1895; Burns 42-510; Baldwin 10478.

<sup>94</sup> Acts 1901; Burns 42-402; Baldwin 10491. The auditor keeps a record of such licenses in a book provided for that purpose, and it is open for public inspection. *Ibid.*

<sup>95</sup> Acts 1875, 1879 (Spec. Sess.); Burns 67-201; Baldwin 16206.

approves and files bonds of ferrymen,<sup>96</sup> and records their licenses.<sup>97</sup> Formerly he issued licenses for the sale of liquor<sup>98</sup> and foreign merchandise,<sup>99</sup> and filed remonstrances against issuance of saloon licenses by the board of commissioners.<sup>100</sup>

The auditor takes a very important part in the administration of the property tax laws. Annually the township assessors file with the auditor all returns of real and personal property made by them, together with all assessment lists, schedules, statements, maps, and other books and papers used by them in making such returns; and the county assessor obtains the same from the auditor to perform the county assessor's duties, but returns them to the auditor for permanent filing.<sup>101</sup> If a taxpayer refuses to make a personal property tax return or an oath required by law in connection with the assessment of personal property, the auditor adds 50 percent to the personal property valuation returned by the assessor.<sup>102</sup> If a landowner fails to furnish a list of lands and improvements within 5 days after a township assessor has so requested, the auditor must add 25 percent to the valuation of any lands or improvements listed by the assessor and which were not assessed the previous year.<sup>103</sup> The auditor assesses omitted property, after giving notice

<sup>96</sup> Acts 1817-18 (general), ch. 45, sec. 8. Rev. Laws 1824, ch. 42, sec. 8. Rev. Laws 1831, ch. 38, sec. 5. Acts 1881 (Spec. Sess.); Burns 36-2504; Baldwin 7679. 1 Rev. Stat. 1852, Acts 1855; Burns 36-2607; Baldwin 7697.

<sup>97</sup> Acts 1881 (Spec. Sess.); Burns 36-2310; Baldwin 7700.

<sup>98</sup> Acts 1817-18 (general), ch. 47, secs. 2, 3. Acts 1820-21, ch. 36, secs. 1, 2. Rev. Laws 1824, ch. 107, secs. 1, 3. Acts 1853, ch. 66, sec. 3 (repealed by Acts 1855, ch. 106, secs. 1, 2). Acts 1855, ch. 105, sec. 4 (repealed by Acts 1859 (Spec. Sess.), ch. 15). Acts 1873, ch. 59, sec. 2. Padgett v. State (1894), 93 Ind. 336.

<sup>99</sup> Acts 1816-17, ch. 17, sec. 4. Acts 1817-18 (general), ch. 44, sec. 4. Rev. Laws 1824, ch. 23, sec. 3. Rev. Laws 1831, ch. 21, sec. 7. Rev. Stat. 1853, ch. 22, sec. 7 *et seq.* Rev. Stat. 1843, ch. 12, sec. 165 *et seq.*

<sup>100</sup> Acts 1865, ch. 6, sec. 1.

<sup>101</sup> Rev. Stat. 1843, ch. 12, secs. 28, 41. Acts 1850-51 (general), ch. 5, secs. 12, 19; secs. 5, 8. Acts 1858 (Spec. Sess.), ch. 2, sec. 20. Acts 1891, ch. 59, secs. 101, 105. Acts 1919; Burns 64-1023, 64-1039, 64-1102; Baldwin 15663, 15694, 15698. Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019; Baldwin, 1937 suppl., 15685. Interview of May 18, 1939 with E. P. Brennan, state examiner.

<sup>102</sup> Acts 1919; Burns 64-610; Baldwin 15573.

<sup>103</sup> Acts 1919; Burns 64-1003; Baldwin 15674.



to the taxpayer,<sup>104</sup> For the purpose of the listing and assessment of omitted property, the auditor may, on filing proper affidavit in the circuit court and obtaining a writ directed to the sheriff, inspect the books and papers of taxpayers.<sup>105</sup> Acting for the county board of review, the auditor gives notices to taxpayers in order that the board may assess omitted properties or raise valuations.<sup>106</sup> Appeals from the county board of review to the state board of tax commissioners are usually heard in the office of the auditor.<sup>107</sup> Formerly the auditor annually notified all township assessors to meet in the auditor's office to agree on a uniform rate of assessment.<sup>108</sup> Formerly railroad companies annually filed with the auditor, for taxation purposes, complete inventories of assets.<sup>109</sup>

The auditor annually makes out, and delivers to the township assessors, lists of lands entered on the tax duplicates of the previous year, with notations thereon showing all transfers made subsequent to the duplicate and all new entries of lands not previously entered for taxation. The auditor makes plats of the several townships showing ownership, improvements, and assessed valuation of the parcels therein. The township assessors write on such plats the ownership and value of each plot of ground and the improvements thereon, and the plat is kept up with all current transactions

---

<sup>104</sup> Acts 1840-41 (general), ch. 1, sec. 9. Acts 1883, ch. 183, sec. 1. Acts 1919; Burns 64-1402; Baldwin 15739. *Scott v. Knightstown* (1862), 84 Ind. 108; *Lang v. Clapp* (1885), 103 Ind. 17, 2 N. E. 197; *Vandercook v. Williams* (1885), 106 Ind. 345, 1 N. E. 619; *Williams v. Segur* (1885), 106 Ind. 363, 1 N. E. 707; *McKeen v. Haskell* (1886), 108 Ind. 97, 8 N. E. 901; *Board of County Comrs. v. Senn* (1889), 117 Ind. 410, 20 N. E. 276; *Florer v. Sherwood* (1891), 128 Ind. 495, 28 N. E. 71; *Hennel v. Board of County Comrs.* (1892), 132 Ind. 32, 31 N. E. 462; *Florer v. Sheridan* (1894), 137 Ind. 28, 36 N. E. 365; *Cummings v. Stark* (1893), 138 Ind. 94, 34 N. E. 444; *Thiebaud v. Tait* (1894), 138 Ind. 238, 36 N. E. 525; *Eaton v. Union County Nat. Bank* (1895), 141 Ind. 136, 40 N. E. 668; *Buck v. Miller* (1896), 147 Ind. 586, 45 N. E. 647; *Miller v. Vollmer* (1899), 153 Ind. 26, 53 N. E. 945; *Crowder v. Riggs* (1899), 153 Ind. 158, 53 N. E. 1019; *Parkison v. Thompson* (1905), 164 Ind. 699, 73 N. E. 109; *Darnell v. State* (1910), 174 Ind. 143, 90 N. E. 769.

<sup>105</sup> Acts 1891, ch. 99, sec. 34. Acts 1919; Burns 64-1206; Baldwin 15549.

<sup>106</sup> Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

<sup>107</sup> Acts 1919, 1935; Burns, 1339 suppl., 64-1321; Baldwin, 1935 suppl., 15725. State board of tax commissioners, tax rule 6.

<sup>108</sup> Acts 1889, ch. 103, sec. 1 (repealed by Acts 1891, ch. 99, sec. 259).

<sup>109</sup> Acts 1891, ch. 99, sec. 83.

and transfers.<sup>110</sup> The auditor keeps a record of all lands classified by the state forester as "forest plantations" or "native forest lands" to obtain special rules or rates for tax assessments.<sup>111</sup>

For taxation purposes, the auditor keeps a transfer book, arranged by townships, cities, and towns, showing description of all lands conveyed by deed or partition, names of parties, and post-office addresses of grantees. No such conveyance can be recorded by the recorder until after the instrument has been presented to the auditor and he has made an endorsement thereon that the land has been duly entered for taxation or is not taxable.<sup>112</sup> On the death of a landowner, the heir or devisee may have the auditor make an entry on the tax duplicate to show the change of ownership.<sup>113</sup> The auditor corrects on the tax books any errors as to description of property and names of owners.<sup>114</sup>

Forms and instructions for taxation purposes are prescribed by the state board of tax commissioners and delivered to the auditor.<sup>115</sup> The auditor furnishes the township assessors with all necessary books and blanks for their use in making assessment of real and personal property.<sup>116</sup> Assessments of omitted real estate by township assessors are filed with the auditor.<sup>117</sup> The auditor makes assessment of any newly platted land additions to any city or town.<sup>118</sup>

<sup>110</sup> Acts 1840-41 (general), ch. 1, sec. 4; ch. 2, sec. 12. Acts 1841-42, ch. 60, sec. 4. Rev. Stat. 1843, ch. 12, sec. 27. Acts 1858 (Spec. Sess.), ch. 2, sec. 5. Acts 1891, ch. 99, sec. 93. Acts 1919, 1937; Burns, 1939 suppl., 64-1007; Baldwin, 1937 suppl., 15672.

<sup>111</sup> Acts 1899, ch. 256, sec. 9. Acts 1921; Burns 32-304, 32-306; Baldwin 15517-4, 15517-6.

<sup>112</sup> Rev. Stat. 1843, ch. 12, secs. 23, 25, 26. Acts 1881 (Spec. Sess.), ch. 96, sec. 154. 1 Rev. Stat. 1852; Burns 49-3214; Baldwin 5478. Acts 1919; Burns 64-1409; Baldwin 15746.

<sup>113</sup> Acts 1921; Burns 64-519; Baldwin 14777.

<sup>114</sup> Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019; Baldwin, 1937 suppl. 15685. Acts 1919; Burns 64-1025; Baldwin 15692.

<sup>115</sup> Acts 1919; Burns 64-2803; Baldwin 15866. "Revised Forms," *Thirty-Ninth Annual Conference of the State Board of Tax Commissioners and County Assessors of Indiana*, December 20, 21, 22, 1939 (1940), pp. 22-30, 53, 54, 102, 103, 123-139.

<sup>116</sup> Acts 1858 (Spec. Sess.), ch. 2, sec. 23. Acts 1891, ch. 99, secs. 53, 101. Acts 1903, ch. 29, sec. 32. Acts 1899; Burns 26-543; Baldwin 5408. Acts 1895; Burns 49-1401; Baldwin 7576. Acts 1879 (Spec. Sess.); Burns 49-3018; Baldwin 5434. Acts 1919; Burns 64-1007, 64-1016; Baldwin 15672, 15682.

<sup>117</sup> Acts 1840-41 (general), ch. 2, sec. 12. Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019; Baldwin, 1937 suppl., 15685. Acts 1919; Burns 64-1025; Baldwin 15692.

<sup>118</sup> Acts 1919; Burns 64-1027; Baldwin 15691.

The auditor certifies as to the required number of signers of petitions filed by groups of taxpayers with the state board of tax commissioners to obtain a reassessment of real estate.<sup>119</sup>

Sworn statements to obtain mortgage deductions on assessment of real estate are filed with the auditor.<sup>120</sup> Sworn statements of volunteer firemen<sup>121</sup> and disabled veterans<sup>122</sup> are filed with the auditor to obtain tax exemptions. Applications for tax exemptions for educational, charitable, religious, fraternal, literary, and scientific organizations are filed with the auditor, who refers them to the board of review for approval.<sup>123</sup>

Annually the auditor apportions the final assessment of real and personal property among the several taxing units of the county and certifies the same to the county, townships, cities, and towns for the purpose of making tax levies based thereon.<sup>124</sup> After the county council, at its annual meeting, adopts a budget, establishes a tax rate, and makes tax levies for the succeeding calendar year, the auditor schedules the rates for the county and the several municipal corporations therein, verifies the figures and calculations, and reports the levies to the state board of tax commissioners.<sup>125</sup> The decisions of the state board of tax commissioners on an appeal from the county council's action in adopting budgets and tax levies is certified to the auditor and he certifies it to the taxing units interested therein.<sup>126</sup>

---

<sup>119</sup> Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019(a); Baldwin, 1937 suppl., 15685(a).

<sup>120</sup> Acts 1899, ch. 190, secs. 2, 3. Acts 1919, 1939; Burns, 1939 suppl., 64-209 to 64-211; Baldwin, 1939 suppl., 15565 to 15567. "Mortgage Deductions," *Thirty-Eighth Annual Conference of the State Board of Tax Commissioners and County Assessors of Indiana, January 9, 10, 11, 1939 (1939)*, pp. 64-74.

<sup>121</sup> 1 Rev. Stat. 1852, ch. 41, sec. 3. Acts 1933, ch. 91, sec. 1. Acts 1935, ch. 302, sec. 1. Acts 1939; Burns, 1939 suppl., 48-6161; Baldwin, 1939 suppl., 12653-1.

<sup>122</sup> Acts 1927; Burns 64-206; Baldwin 10987.

<sup>123</sup> Acts 1937; Burns, 1939 suppl., 64-213; Baldwin, 1937 suppl., 15518-2.

<sup>124</sup> Acts 1919, 1920 (Spec. Sess.); Burns 64-1329; Baldwin 15733.

<sup>125</sup> Acts 1889; Burns 26-516 to 26-520; Baldwin 5380 to 5384. Acts 1920 (Spec. Sess.); Burns 64-1329; Baldwin 15733. Acts 1919; Burns 64-1330; Baldwin 15734. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

<sup>126</sup> Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

Annually each municipal corporation of the county files with the auditor a statement of tax levies and rates for the ensuing year, fixed by such municipal corporations, and copies of the budgets on which such levies are based.<sup>127</sup> At the annual meeting of the county board of tax adjustment, the auditor lays before the board these budgets, tax levies, and rates.<sup>128</sup> If the board of tax adjustment does not complete its duties before October 2, or fails to reduce the aggregate amount of the tax levies and rates within the statutory limits, the auditor calculates and fixes the rates and certifies his action to each municipal corporation.<sup>129</sup> The decision of the state board of tax commissioners on an appeal from the action of the board of tax adjustment is certified to the auditor.<sup>130</sup>

The auditor certifies to the state board of tax commissioners all emergency appropriations made by the county council, together with tax levies based thereon.<sup>131</sup>

After the assessments, budgets, tax rates, and tax levies have been made, the auditor makes out and delivers to the treasurer a roll of taxes known and designated as the tax duplicate, and a complete tax abstract of all property listed in each township, city, and town. He keeps a copy of the abstract in his office and delivers another copy thereof to the auditor of state.<sup>132</sup> Semiannually the county auditor delivers to the county treasurer and to the treasurer of each city, town, and township in the county, a complete list of all persons reported as delinquent in the payment of taxes, as shown by the tax duplicate.<sup>133</sup> Formerly a separate list of delinquent taxes was delivered by the county auditor to the

---

<sup>127</sup> Acts 1933; Burns 64-302; Baldwin 15893. Acts 1937; Burns, 1939 suppl., 64-311; Baldwin, 1937 suppl., 15897-5.

<sup>128</sup> Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

<sup>129</sup> Acts 1937; Burns, 1939 suppl., 64-311, 64-314; Baldwin, 1937 suppl., 15897-5, 15897-8.

<sup>130</sup> Acts 1937; Burns, 1939 suppl., 64-314; Baldwin, 1937 suppl., 15897-8.

<sup>131</sup> Acts 1899, 1907, 1913, 1937; Burns, 1939 suppl., 26-521; Baldwin, 1937 suppl., 5385. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

<sup>132</sup> Acts 1840-41 (general), ch. 1, secs. 12, 14; ch. 2, secs. 17, 22. Rev. Stat. 1843, ch. 12, secs. 44, 50, 51, 123. Acts 1919; Burns 64-1403, 64-1408; Baldwin 15740, 15745. Standard Oil Co. v. Bretz (1884), 93 Ind. 231; Adams v. Davis (1886), 109 Ind. 10, 9 N. E. 162; Smith v. Smith (1902), 159 Ind. 338, 65 N. E. 183.

<sup>133</sup> Rev. Stat. 1843, ch. 12, sec. 68. Acts 1911, ch. 234, sec. 1. Acts 1919; Burns 64-1505; Baldwin 15767.



auditor of state, but now, and for many years last past, the only lists so delivered are those that are set forth in the tax abstract.<sup>134</sup>

The auditor annually prepares and records in a book, provided for that purpose, a list of lands delinquent for taxes, charges the interest and penalty required by law, publishes and posts the list with a notice of tax sale, includes a copy of the notice in his record, and certifies on his record the time and manner of such publication and posting.<sup>135</sup> The auditor attends the treasurer's tax sales of delinquent lands, keeps a record of the sales, and issues certificates to the purchasers.<sup>136</sup> The auditor acts as arbiter in case of partial redemption of lands from tax sale.<sup>137</sup> When lands are redeemed from tax sale, he issues a certificate of redemption and keeps a record of all redemptions.<sup>138</sup> The auditor executes all tax deeds of land, and keeps a record thereof.<sup>139</sup> On authorization by the board of commissioners he issues a warrant for a refund to persons paying illegal or erroneous taxes and also to purchasers at illegal tax sales.<sup>140</sup> Annually a list of lands offered at tax sales 3 years successively, on which there was no bid equal to the amount of taxes due thereon, is prepared by the treasurer, certified by the auditor, and delivered to the prosecuting attorney.<sup>141</sup>

---

<sup>134</sup> Rev. Stat. 1843, ch. 12, sec. 68. Interview of June 29, 1939 with Frank G. Thompson, auditor of state.

<sup>135</sup> Acts 1840-41 (general), ch. 2, secs. 26, 28-30. Acts 1879 (Spec. Sess.), ch. 96, sec. 3. Acts 1883, ch. 76, sec. 1. Acts 1919; Burns 64-2201; Baldwin 15806. Acts 1919, 1931, 1937; Burns, 1939 suppl., 64-2202; Baldwin, 1937 suppl., 15807. *Abbott v. Edgerton* (1876), 53 Ind. 196; *Stropes v. Board of County Comrs.* (1880), 72 Ind. 42.

<sup>136</sup> Acts 1840-41 (general), ch. 2, secs. 33, 34. Rev. Stat. 1843, ch. 12, secs. 97, 122, 123. 1 Rev. Stat. 1852, ch. 6, sec. 177. Acts 1919; Burns 64-2209, 64-2210; Baldwin 15816, 15817. *Gable v. Seiben* (1894), 137 Ind. 155, 36 N. E. 844.

<sup>137</sup> Acts 1919; Burns 64-2308; Baldwin 15826.

<sup>138</sup> Rev. Stat. 1843, ch. 12, secs. 97, 122, 123. Acts 1919; Burns 64-2313; Baldwin 15831.

<sup>139</sup> Acts 1840-41 (general), ch. 2, secs. 37, 44. Acts 1919; Burns 64-2404 to 64-2409; Baldwin 15833 to 15838. *Reid v. State ex rel. Thompson* (1881), 74 Ind. 252; *Smith v. Kyler* (1881), 74 Ind. 575; *Woolen v. Rockafeller* (1881), 81 Ind. 208; *Lancaster v. De Hadway* (1884), 97 Ind. 565; *Rowe v. Peabody* (1885), 102 Ind. 198, 1 N. E. 353.

<sup>140</sup> Acts 1919; Burns 64-1407, 64-2411, 64-2819; Baldwin 15744, 15840, 15881. *Wolfe v. State ex rel. Kennard* (1883), 90 Ind. 16.

<sup>141</sup> Acts 1881 (Spec. Sess.), ch. 96, sec. 222. Acts 1919; Burns 64-1518; Baldwin 15772.

The state's share of taxes collected by the county treasurer is disbursed to the proper state officers on warrants drawn by the auditor on the county treasury.<sup>142</sup>

The auditor manages the school funds held in trust by the county,<sup>143</sup> with the exception of making loans. The county school fund board (composed of the auditor, clerk of the circuit court, and another person appointed by the judge of the circuit court) makes all the loans from those funds.<sup>144</sup> Whenever a Congressional Township is divided by a county line, the auditor makes all adjustments of land, accounts, and distribution of pupils.<sup>145</sup> The auditor conducts the sale of school lands<sup>146</sup> (including those previously sold and forfeited by the purchasers thereof).<sup>147</sup> The auditor issues a quitclaim deed whenever there is a defect in the title of the owner of land in a school section resulting from destruction of public records.<sup>148</sup>

Funds held by the county in trust for cemetery purposes are managed and loaned by the auditor in the manner provided by law for school funds.<sup>149</sup>

Certified copies of the official oaths of all officers appointed by the board of commissioners, together with certified copies of oaths of such township officers (except justices of the peace and constables) as required by the board, are filed with the auditor.<sup>150</sup> When a bond is required of any such officer, it is also filed with the auditor.<sup>151</sup> The board of commissioners meets in the office of the auditor, at any time without notice or precept, for the purpose of

<sup>142</sup> Acts 1877, ch. 90, sec. 1. Acts 1907, 1911; Burns 61-620; Baldwin 13824 (repealed by Acts 1935, ch. 70, sec. 42). Acts 1937; Burns, 1939 suppl., 61-626; Baldwin, 1937 suppl., 13844-47.

<sup>143</sup> Acts 1855, ch. 86, sec. 155. Acts 1861, ch. 41, secs. 122, 160. Acts 1865, 1907; Burns 28-101, 28-102, 28-105; Baldwin 6499, 6500, 6511.

<sup>144</sup> Rev. Stat. 1843, ch. 13, sec. 45. Acts 1865, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6558. See the essay entitled "County School Fund Board."

<sup>145</sup> Acts 1877 (Spec. Sess.); Burns 28-111 to 28-114; Baldwin 6518 to 6520, 6510.

<sup>146</sup> Acts 1865, 1875; Burns 28-122 to 28-124; Baldwin 6553, 6528, 6529.

<sup>147</sup> Acts 1863, 1865; Burns 28-125, 28-126, 28-129 to 28-133, 28-135 to 28-137, 28-140 to 28-143, 28-145, 28-146; Baldwin 6530, 6531, 6533, 6539, 6534, 6535, 6540, 6542 to 6544, 6547 to 6550, 6552, 6554.

<sup>148</sup> Acts 1915; Burns 28-239; Baldwin 5435.

<sup>149</sup> Acts 1915; Burns 21-214, 21-217; Baldwin 4663, 4674.

<sup>150</sup> Rev. Stat. 1843, ch. 4, sec. 84. 1 Rev. Stat. 1852; Burns 49-104; Baldwin 13057.

<sup>151</sup> Rev. Stat. 1843, ch. 4, secs. 88, 89. 1 Rev. Stat. 1852; Burns 49-104, 49-105; Baldwin 13057, 13058.

Bond of township trustee. *Opinions of the Attorney General of Indiana, 1939*, pp. 7, 8.

approving official bonds which are required to be approved by the board.<sup>152</sup> The official bond of the county assessor is approved by and filed with the auditor; and the assessor's official oath is administered by the auditor and endorsed on said bond.<sup>153</sup> The official bond of each township trustee is approved by the auditor.<sup>154</sup>

The township trustees quadrennially meet in the office of the auditor for the purpose of electing a county superintendent of schools. After notice is given by the auditor, the trustees meet there at any time to fill a vacancy in such office. The auditor is clerk of the election and keeps a record thereof. In case of a tie vote the auditor casts the deciding vote. The person elected files his oath of office and official bond with the auditor, who approves the bond. The auditor reports the election to the state superintendent of public instruction.<sup>155</sup>

If on account of death, sickness, or other casualty the judge of the circuit court fails for 3 consecutive days to attend court during termtime, the auditor, sheriff, and clerk of the circuit court, acting together, may appoint a temporary judge to serve until the return of the regular judge or until his successor is named.<sup>156</sup>

When an election is held to change the boundaries of counties, the clerk of the circuit court of each of the affected counties makes out certified copies of the election returns and files them in the office of the auditor of each of such counties. The auditor and board of commissioners in each county then examine the returns, and if the proposed change of boundaries was carried at the election, the auditor enters an order to that effect in the order book of the board of commissioners.<sup>157</sup> The auditor makes a certificate of tax

<sup>152</sup> Acts 1851-52; Burns 49-123; Baldwin 13093.

<sup>153</sup> Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

<sup>154</sup> Acts 1859, 1889; Burns 65-192; Baldwin 16060. Acts 1915; Burns 65-103; Baldwin 16061.

*Copeland v. State ex rel. Davis* (1890), 126 Ind. 51, 25 N. E. 866.

<sup>155</sup> Acts 1873, ch. 25, sec. 2. Acts 1889, 1911, 1913; Burns 28-702; Baldwin 5931. *State ex rel. Nebecker v. Sutton* (1884), 99 Ind. 300; *State ex rel. Laughlin v. Porter* (1886), 113 Ind. 79, 14 N. E. 883; *State ex rel. Williams v. Edwards* (1888), 114 Ind. 581, 16 N. E. 627; *State ex rel. Drummond v. Dillon* (1890), 125 Ind. 65, 25 N. E. 136; *State ex rel. Morris v. McFarland* (1898), 149 Ind. 266, 49 N. E. 5.

<sup>156</sup> 2 Rev. Stat. 1852, pt. 1, ch. 4, secs. 4, 17. Acts 1881 (Spec. Sess.); Burns 4-3103; Baldwin 1261.

<sup>157</sup> Acts 1875; Burns 26-201; Baldwin 5032.

levies for the purpose of raising funds from the detached territory to pay the debts of the county from which it was detached.<sup>158</sup>

Under former laws the auditor prepared blank forms off poll books and election returns, and delivered them to the inspectors of the election precincts;<sup>159</sup> delivered election supplies to the registration inspector of each precinct;<sup>160</sup> kept the completed registration books and forms in his office, open to public inspection;<sup>161</sup> filed in his office petitions for elections under the local option liquor laws;<sup>162</sup> and delivered to the clerk of the circuit court the various papers involved in election contests heard by the board of commissioners, together with a transcript of the proceedings of the board.<sup>163</sup>

Formerly petitions to have the surveyor removed from office were filed with the auditor for presentment to the board of commissioners.<sup>164</sup> Vacancies in the former office of real estate appraiser were filled through appointment by the auditor.<sup>165</sup>

Once every 6 years the township trustees and their assistants enumerate all white male inhabitants of the state over 21 years old.<sup>166</sup> Books and blanks, together with copies of the law requiring such enumerations, are furnished to the township trustees by the auditor.<sup>167</sup> The trustees' returns are filed in the office of the auditor.<sup>168</sup> The auditor examines the returns and corrects (by orders recorded in a separate book) any errors, mistakes, or omissions discovered. For this purpose he may subpoena and question witnesses.<sup>169</sup>

---

<sup>158</sup> Acts 1875; Burns 26-204, 26-205; Baldwin 5035, 5036.

<sup>159</sup> Acts 1861 (Spec. Sess.), ch. 47, sec. 13.

<sup>160</sup> Acts 1911, ch. 150, sec. 5 (repealed by Acts 1913, ch. 185, sec. 25).

<sup>161</sup> Acts 1911, ch. 150, sec. 13 (repealed by Acts 1913, ch. 185, sec. 25).

<sup>162</sup> Acts 1903 (Spec. Sess.), ch. 2, sec. 1. Acts 1911, ch. 7, sec. 5.

<sup>163</sup> Acts 1816-17, ch. 9, sec. 22. Rev. Laws 1831, ch. 33, secs. 8, 9. Rev. Stat. 1843, ch.

5, sec. 103.

<sup>164</sup> Rev. Stat. 1843, ch. 10, sec. 4.

<sup>165</sup> Acts 1858 (Spec. Sess.), ch. 2, sec. 1.

<sup>166</sup> Acts 1853, ch. 41, secs. 1, 2. Acts 1865 (Spec. Sess.); Burns 65-601 to 65-605; Baldwin 7490 to 7494.

<sup>167</sup> Acts 1844-45 (general), ch. 29, sec. 2. Acts 1853, ch. 41, sec. 2. Acts 1865 (Spec. Sess.); Burns 65-614; Baldwin 7503.

<sup>168</sup> Acts 1844-45 (general), ch. 29, sec. 3. Acts 1865 (Spec. Sess.); Burns 65-603; Baldwin

7492.

<sup>169</sup> Acts 1865 (Spec. Sess.); Burns 65-610; Baldwin 7499.



The auditor then certifies the corrected enumerations to the auditor of state.<sup>170</sup> Likewise there is an enumeration of colored male inhabitants. Separate lists are made; one is designated "white male inhabitants" and the other "colored male inhabitants."<sup>171</sup>

Each township assessor annually prepares lists of all persons in his township who are deaf, dumb, blind, idiotic, or insane, and delivers the lists to the auditor, who reports them to the state department of public welfare.<sup>172</sup>

Formerly the township assessors were required to enumerate the families of soldiers, seamen, and marines in active service, and of those who died or were disabled in active service, and deliver the lists to the auditor.<sup>173</sup> The township trustees formerly made enumerations of children between the ages of 5 and 21 years and delivered the returns to the auditor, who delivered them to the state superintendent of public instruction.<sup>174</sup>

Formerly every fire insurance company doing business in Indiana, not organized under Indiana laws, was required to make semiannual reports to the auditor showing premiums received by the company for fire insurance on property in the county and showing all losses paid by the company for the last semiannual period.<sup>175</sup> Formerly financial statements of banks were filed with the auditor.<sup>176</sup>

Formerly the auditor, as clerk of the old-age pension board, issued certificates to applicants approved by the board, and delivered duplicates thereof to the auditor of state.<sup>177</sup>

<sup>170</sup> Acts 1844-45 (general), ch. 29, sec. 5. Acts 1853, ch. 41, sec. 3. Acts 1865 (Spec. Sess.); Burns 65-611; Baldwin 7500.

<sup>171</sup> Acts 1877; Burns 65-619, 65-620; Baldwin 7509, 7510.

<sup>172</sup> Acts 1849-50 (general), ch. 17, sec. 4. Acts 1859, ch. 7, secs. 1, 2. Acts 1891, ch. 99, sec. 54. Acts 1919; Burns 64-607; Baldwin 15575.

The foregoing laws require the report to be made to the state board of charities. In 1936 the duties of that board were transferred to the state department of public welfare. Acts 1936 (Spec. Sess.), ch. 3, sec. 11.

<sup>173</sup> Acts 1865, ch. 40, secs. 2, 3, 5. Acts 1923, ch. 4, sec. 1.

<sup>174</sup> Rev. Stat. 1843, ch. 15, sec. 25. Acts 1846-47 (general), ch. 94, sec. 2. Acts 1855, ch. 86, sec. 26.

<sup>175</sup> Acts 1891, ch. 192, sec. 1. On June 16, 1893 this act was held unconstitutional. *Henderson v. London & Lancashire Ins. Co.* (1893), 135 Ind. 23, 34 N. E. 565.

<sup>176</sup> Acts 1905, ch. 56, sec. 2 (repealed by Acts 1907, ch. 281, sec. 6).

<sup>177</sup> Acts 1933, ch. 36, sec. 12 (repealed by Acts 1936 (Spec. Sess.), ch. 3, sec. 129).

Articles of incorporation of humane societies are filed with the auditor and form the basis for the distribution of humane funds on warrants drawn by him.<sup>178</sup>

Scalps of woodchucks, heads of owls, hawks, and crows, and eggs of crows are presented to the auditor with the statutory affidavits for the purpose of obtaining bounties thereon.<sup>179</sup>

The auditor of state prepares maps or plats of the lands belonging to the state and located in the county, known as the swamplands, indemnity lands, saline lands, and the lands escheated or forfeited to the state, and delivers them to the county auditor, who causes an appraisal thereof, registers the lands in a book kept for that purpose, and records the sales of such lands.<sup>180</sup>

The auditor must preserve the documents, books, papers, and maps deposited in his office.<sup>181</sup> If any map or plat in his office becomes worn or defaced, he makes a new copy thereof.<sup>182</sup> He takes copies of any maps or plats in the recorder's office that may be necessary for the discharge of the auditor's official duties.<sup>183</sup>

The auditor and his deputies can administer all oaths necessary in the performance of their duties.<sup>184</sup>

Forms for the following books were prescribed for the county auditors by the state board of accounts: A combined fee book and cashbook; tax duplicate; ditch tax duplicate; ditch tax duplicate-10 year payment; moratorium tax duplicate; register of warrants on treasurer; register of quietuses and receipts; distribution record; record of commissioners' allowances; ledger of appropriations and disbursements; ledger of receipts and disbursements; record of receipt and sale of intangible tax stamps; register of banks and savings banks;

<sup>178</sup> Acts 1913; Burns 9-2504, 9-2505; Baldwin 3305, 3306.

<sup>179</sup> Acts 1883; Burns 26-1102; Baldwin 5269. Acts 1911; Burns 26-1103; Baldwin 3802.

<sup>180</sup> Acts 1825, ch. 47, sec. 2. Rev. Laws 1831, ch. 11, sec. 6. Rev. Laws 1838, ch. 10, secs. 6, 7. 1 Rev. Stat. 1852, ch. 104, sec. 13. Acts 1855, ch. 85, secs. 1, 4. Acts 1883, ch. 124, sec. 2. Acts 1889; Burns 62-206 to 62-209; Baldwin 15272 to 15275.

<sup>181</sup> Acts 1840-41 (general), ch. 2, secs. 8, 54. Rev. Stat. 1843, ch. 7, secs. 5, 16, 17, 53; ch. 15, sec. 34. Acts 1883, ch. 56, sec. 1. Acts 1891, ch. 99, secs. 114, 116. 1 Rev. Stat. 1852; Burns 26-611, 26-621, 49-3004; Baldwin 5226, 5238, 5418. Acts 1899; Burns 26-509; Baldwin 5373. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700. Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

<sup>182</sup> 1 Rev. Stat. 1852; Burns 49-2232; Baldwin 5432.

<sup>183</sup> *Ibid.*

<sup>184</sup> 1 Rev. Stat. 1852; Burns 49-3013; Baldwin 5427.

register of building and loan associations; register of school fund loans; register of school fund interest contracts and record of payments; inventory of school fund loans; record of condition of school funds; register of macadam road bonds and interest paid; bond register; transfer record; venue record; monthly balance record; auditor's financial statement; insolvent record; register of receipts and sales of material-county infirmary; construction record-ruled, printed, punched; register of redemption bonds; bidders' record; work sheet-delinquent tax extension; abstract of delinquent tax 1934 carried to 1935 duplicate; poor relief ledger; township poor bond redemption ledger; ledger of poor bond receipts; and auditor's poor claim register.<sup>185</sup>

Forms for the following blanks, documents, and reports were prescribed for the county auditors by the state board of accounts: Report of fees collected; claim for burial of soldiers; ordinance of appropriation; estimate of revenues other than taxes; warrants on treasurer; claims against county; dog claims; estimate of county commissioners-general; estimates of county commissioners for orphans' home, tuberculosis hospital, county hospital and insane hospital; estimates of clerk of the circuit court, auditor, treasurer, recorder, sheriff, surveyor, superintendent of schools, coroner, county assessor, township assessors, prosecuting attorney, highway supervisor, and circuit court; auditor's card; report of superintendent of infirmary; report of viewers and engineer; county engineer's monthly estimate; surveyor's claim blank; specifications, bid, and contract for county printing and purchase of supplies; requisition; apportionment of current tax-June settlement; apportionment of current tax-December settlement; apportionment of bank or building and loan tax-June or December settlement; apportionment of delinquent tax-June settlement; apportionment of delinquent tax-December settlement; apportionment of moratorium tax-June or December settlement; distribution sheets-June and December; apportionment of treasurer's fees for collection of delinquent tax-June or December settlement; election to accept extension of school fund loan; contract for installment payments of delinquent interest on school fund loans; agreement for issuance of redemption bond; revised budget estimates of funds-county, township, civil city, civil town, school corporation, and library; estimate of miscellaneous revenue-county general

---

<sup>185</sup> Acts 1509; Burns 60-202; Baldwin 13855. Interview of May 18, 1939 with E. F. Brennan, state examiner.

fund, township fund, corporation fund, school corporation, civil town; June settlement sheets; December settlement sheets; abstract of taxables; notice to bidders; certificate of code compliance; school fund mortgage; journal voucher; auditor's report to commissioners; and kennel license.<sup>186</sup>

The state board of accounts was created in 1909.<sup>187</sup> Nearly all of the aforementioned forms were prescribed in 1910 and 1911, though some changes have been made since then. Most of the books and records required by the state board of accounts were specifically required by statute; but the board, under its broad statutory powers, has in some instances required books and records, such as the auditor's monthly balance record, not specifically required by statute. The auditor is not required to keep as many separate records now as he did before 1924, since the state board consolidated many of his records that year.<sup>188</sup>

#### AUDITS AND REPORTS

253. TOWNSHIP TRUSTEES' VOUCHERS, 1901-. 4 cartons, 10 bds.

Township trustees' vouchers, showing date, number and amount of voucher, names of payee and fund, purpose of payment, and date filed. Arr. chron. by dates of filing. No index. Hdw. Cartons, 12 x 18 x 24; bds., 4 x 10 x 16. 2 cartons, 10 bds., 1901-31, bsmt. stor. rm.; 2 cartons, 1932-, aud. and treas. rec. rm.

254. FIELD EXAMINERS' REPORT, 1911-. 4 f. b.

Copies of reports of audits of county offices by field examiners of state board of accounts, showing date of audit, report and filing, names of office, official and examiners, conditions of accounts, and recommendations. Arr. chron. by dates of filing. No index. Typed. 10 x 5 x 14. Aud. and treas. rec. rm.

255. COUNTY OFFICERS' REPORTS OF FEES, 1922-. 3 f. b.

County officers' reports to auditor of fees collected, showing date of report, names of official and office, and amount and nature of fees. Arr. chron. by dates of reports. No index. Hdw. and typed. 10 x 5 x 14. 2 f. b., 1922-36, aud. and treas. rec. rm.; 1 f. b.; 1937-, aud. off.

---

<sup>186</sup> *Ibid.*

<sup>187</sup> Acts 1909; Burns 60-202; Baldwin 13855.

<sup>188</sup> *Ibid.* Interview of May 18, 1939 with E. P. Brennan, state examiner.



256. REPORTS OF JUSTICES OF THE PEACE FINES, 1925-. 1 f. b. Justices of the peace reports to auditor of fees, fines and forfeitures collected, showing date of report, names of official, office, plaintiff, defendant and township, and amounts and nature of fees, fines and forfeitures. Arr. chron. by dates of reports. No index. Hdw. 10 x 5 x 14. Aud. off.

257. TRUSTEE'S REPORT OF DOG FUND, 1929-. 1 carton, 1 f. b. Trustee's reports to auditor of receipts and disbursements of dog funds, showing date of report, date, amount and purpose of receipts and disbursements, receipt and warrant numbers, and names of payer, payee and fund. Arr. chron. by dates of reports. No index. Hdw. Carton, 10 x 12 x 10; f. b., 10 x 5 x 14. 1 carton, 1929-32, bsmt. stor. rm.; 1 f. b., 1933-, aud. and treas. rec. rm.

258. GOVERNOR'S COMMISSION UNEMPLOYMENT RELIEF, 1933-. 1 f. b.

Auditor's monthly reports to Governor's Commission Unemployment Relief, 1933 to March 1939, to State Department of Public Welfare, April to August 14, 1939, and to Indiana Unemployment Relief Commission, August 15, 1939-, showing date of report, location and population of county, cases under care, total cases opened, new cases, cases re-opened during month, cases closed because employed by Work Projects Administration, non-resident cases, kind of cases, amounts expended for administration and maintenance, and total obligation. Arr. chron. by dates of reports. No index. Typed. 10 x 5 x 14. Aud. and treas. rec. rm.

259. PROSECUTING ATTORNEYS' REPORTS, 1935-. 2 f. b. Prosecuting attorneys' reports of fees collected, showing cause number, date of report, names of plaintiff and defendant, and amount of fees. Arr. chron. by dates of reports. No index. Typed. 10 x 5 x 14. 1 f. b., 1935-36, aud. and treas. rec. rm.; 1 f. b., 1937-, aud. off.

#### RECEIPTS AND DISBURSEMENTS

(See also entries 241-252)

#### GENERAL FUND

260. AUDITOR'S RECORD OF ANNUAL AND MONTHLY FINANCIAL STATEMENT, 1899-. 5 vols. Title varies: Auditor's Record of Monthly Balance, 1899-1925, 3 vols.

Record of monthly balances and annual financial statement of all funds, showing dates of balance and statement, amounts of receipts and disbursements, amounts of prior and current balances, and name of fund. Arr. chron. by dates of balances. No index. Hdw. 300 pp. 16 x 18 x 2. Aud. and treas. rec. rm.

261. AUDITOR'S FEE AND CASH BOOK, 1895-. 6 vols. (1-6).

Title varies: Register of Fees. 1895-1900, 3 vols.

Record of fees collected by auditor, showing date and amount of collection, nature of fees, and names of payer and fund. Arr. chron. by dates of collection. No index. Hdw. 326 pp. 13 x 12 x 2. 5 vols., 1895-1935, aud. and treas. rec. rm.; 1 vol., 1936-, aud. off.

262. LEDGER OF RECEIPTS, APPROPRIATIONS AND DISBURSEMENTS, 1854-99, 1925-. 15 vols. Title varies: Ledger, 1854-67, 1 vol.; Condensed Ledger, 1868-99, 3 vols.

Record of receipts, appropriations and disbursements, showing amount of appropriation, dates and amounts of receipts and disbursements, warrant and receipt numbers, name of fund, and balance or overdraft. This is a combination of two records intercurrently kept separately: Record of Receipts, entry 263; Appropriation and Disbursement Record, entry 264. Arr. by names of funds, thereunder num. by warrant and receipt nos. No index. Hdw. 600 pp. 17 x 14 x 3. 1 vol., 1854-67, bsmt. stor. rm.; 13 vols., 1868-99, 1925-38, aud. and treas. rec. rm.; 1 vol., 1939-, aud. off.

263. RECORD OF RECEIPTS, 1900-1924. 5 vols. 1854-99, 1925- in Ledger of Receipts, Appropriations and Disbursements, entry 262.

Record of receipts of county revenue, showing date, number and amount of receipt, and name of fund. Arr. num. by receipt nos. No index. Hdw. 600 pp. 18 x 24 x 3. Aud. and treas. rec. rm.

264. APPROPRIATION AND DISBURSEMENT RECORD, 1900-1924. 9 vols. (1-6, and three vols. not labeled). 1854-99, 1925- in Ledger of Receipts, Appropriations and Disbursements, entry 262.

Record of disbursements of county revenue, showing date, number and amount of warrant, and name of fund. Arr. num. by warrant nos. No index. Hdw. 300 pp. 18 x 24 x 3. 7 vols., 1900-1901, 1904-6, 1910-24, aud. and treas. rec. rm.; 2 vols., 1902-3, 1907-9, bsmt. stor. rm.

265. CERTIFICATE OF DISTRIBUTION, 1915-. 5 vols.

Copies of certificates of distribution of revenue, showing date, number and amount of certificate, and names of payee and fund. Arr. chron. by dates of certificates. No index. Hdw. 496 pp. 17 x 11 x 2. 1 vol., 1915-20, bsmt. stor. rm.; 3 vols., 1921-36, aud. and treas. rec. rm.; 1 vol., 1937-, aud. off.

## 266. TREASURER'S REGISTER OF RECEIPTS, 1925-. 3 vols.

Register of receipts and carbon copies of applications to pay and quietuses, showing date, number and amount of application and quietus, and names of payer and fund. This is a combination of three records formerly kept separately: Register of Receipts, entry 267; Application to Pay, entry 268; Auditor's Quietus, entry 270. Also contains: Register of School Fund Receipts, entry 287. Arr. num. by application nos. No index. Hdw. 125 pp. 16 x 12 x 1. 2 vols., 1925-38, aud. and treas. rec. rm.; 1 vol., 1939-, aud. off.

267. REGISTER OF RECEIPTS, 1841-94, 1900-1908, 1911-24.  
9 vols. 1925- in Treasurer's Register of Receipts, entry 266.

Register of receipts of county revenue, showing date, number and amount of receipt, and names of payer and fund. Also contains: Register of School Fund Receipts, 1883-94, 1900-1908, 1911-24, entry 287. Arr. chron. by dates of receipts. No index. Hdw. 600 pp. 18 x 12 x 3. 8 vols., 1841-58, 1890-94, 1900-1908, 1911-24, aud. and treas. rec. rm.; 1 vol., 1859-89, attic stor. rm.

## 268. APPLICATION TO PAY, 1911-24. 11 vols. 1925- in Treasurer's Register of Receipts, entry 266.

Stubs of application to pay money to treasurer, showing date, number and amount of application to pay, and names of applicant and fund. Arr. num. by application nos. No index. Hdw. 125 pp. 16 x 12 x 1. 10 vols., 1911-22, bsmt. stor. rm.; 1 vol., 1923-24, aud. and treas. rec. rm.

## 269. RECEIPTS, 1937-. 1 f. d.

Receipts issued by treasurer and submitted to auditor to obtain quietuses, showing date, number and amount of receipt, names of payer and fund. Arr. chron. by dates of receipts. No index. Hdw. 6 x 10 x 16. Aud. off.

## 270. AUDITOR'S QUIETUS, 1911-24. 6 vols. 1925- in Treasurer's Register of Receipts, entry 266.

Stubs of quietuses issued by auditor upon presentation of treasurer's receipts for payments made to county, showing date, number and amount of quietus, and names of payer and fund. Arr. num. by quietus nos. No index. Hdw. 125 pp. 16 x 12 x 1. 1 vol., 1913-14, I. U. Libr. bsmt.; 5 vols., 1911-12, 1915-24, C. C., bsmt. stor. rm.

## 271. [CANCELED WARRANTS], 1912-. 17 bdls., 38 folders, 29 cartons.

Warrants drawn on depositories for disbursement of county funds, showing date, number and amount of warrant, names

of payee, depository and fund, and date of cancellation. Arr. num. by warrant nos. No index. Hdw. Bdls. and folders, 8 x 3 x 1; cartons, 24 x 15 x 12. 17 bdls., 38 folders, 28 cartons, 1912-38, bsmt. stor. rm.; 1 carton, 1939-, aud. and treas. rec. rm.

272. REGISTER OF WARRANTS, 1925-. 9 vols.

Carbon copies of warrants drawn for disbursement of funds, showing date, number, amount and purpose of warrant, and names of payee and depository. Also contains: Register of School Fund Orders, entry 288. Arr. num. by warrant nos. No index. Typed. 1,000 pp. 18 x 12 x 10. 8 vols., 1925-38, aud. and treas. rec. rm.; 1 vol., 1939-, aud. off.

273. REGISTER OF WARRANTS, 1841-74, 1882-90, 1896-1924.

13 vols. Title varies: Register of Orders, 1841-74, 1882-90, 1896-1910, 9 vols.

Register of warrants drawn for disbursement of funds, showing date, number, amount and purpose of warrant, and names of payee and fund. Also contains: Register of School Fund Orders, 1896-1924, entry 288. Arr. num. by warrant nos. No index. Hdw. 600 pp. 18 x 12 x 3. 1 vol., 1841-51, bsmt. stor. rm.; 1 vol., April 1899-Jan. 1901, attic stor. rm.; 11 vols. 1852-74, 1882-90, 1896-Mar. 1899, Feb. 1901-24, aud. and treas. rec. rm.

274. WELFARE WARRANTS, 1937-. 4 vols.

Carbon copies of warrants drawn for disbursement of welfare funds, showing date, number and amount of warrant, and names of payee and depository. Arr. num. by warrant nos. No index. Typed. 1,000 pp. 18 x 12 x 10. 3 vols., 1937-39, aud. and treas. rec. rm.; 1 vol., 1940-, aud. off.

275. CHANGE OF VENUE, 1904-. 2 f. b.

Claims for costs in causes venued to other counties, showing date, number and amount of claim, cause number, names of plaintiff, defendant and foreign county, and volume and page reference to Civil Order Book, entry 123. Arr. chron. by dates of claims. No index. Hdw. and typed. 10 x 5 x 14. 1 f. b., 1904-28, aud. and treas. rec. rm.; 1 f. b., 1929-, aud. off.

For other change of venue records, see entries 188, 189.

276. FEEBLE MINDED, INSANITY, 1917-. 1 f. b.

Court allowances in feeble-minded and insanity causes, showing dates of claim and filing, names of claimant, institution and patient, amount of claim, and warrant number. Arr. chron. by dates of filing. No index. Hdw. and typed. 10 x 5 x 14. Aud. and treas. rec. rm.

For other records of feeble-mindedness, see entry 113ii; for other records of insanity, see entries 110-112.



277. COM[mitments] RILEY HOSP[ital], DEP[artmen]T OF CON-SERVATION, 1930-. 1 f. b.

Court allowances in Riley Hospital causes, showing dates of claim and filing, names of claimant and patient, amount of claim, and warrant and appropriation numbers. Arr. chron. by dates of filing. No index. Hdw. and typed. 10 x 5 x 14. Aud. and treas. rec. rm.

278. POOR RELIEF CLAIMS, 1929-. 22 cartons, 14 f. b., 1 f. d.

Poor relief orders and claims, showing dates of order, claim and filing, order, and warrant numbers, names of vendor and receipt, itemized list of articles furnished, nature of service rendered, and amount of claim. Arr. chron. by dates of filing. No index. Hdw. Cartons, 24 x 12 x 24; f. b., 14 x 8 x 6; f. d., 16 x 12 x 6. 22 cartons, 1929-36, bsmt. stor. rm.; 14 f. b., 1937, aud. off.; 1 f. d., 1938-, aud. and treas. rec. rm.

279. SHERIFF'S MILEAGE FEES, 1933-. 1 f. b.

Claims filed by sheriff for mileage fees, showing date, number and amount of claim, number of miles traveled, and rate per mile. Arr. chron. by dates of claims. No index. Hdw. 10 x 5 x 14. Aud. and treas. rec. rm.

280. [TRUSTEES' EXPENDITURES], 1933-. 1 vol.

Record of trustees monthly reports of expenditures for poor relief, showing dates of expenditure and report, amount and nature of expense, and names of township and fund. Arr. chron. by dates of reports. No index. Hdw. 14 x 12 x 1½. Aud. off.

281. COUNTY AUDITOR'S REGISTER OF POOR FUND CLAIMS, 1934-. 3 vols.

Register of township trustees' poor relief claim, showing date, number, amount and nature of claim, names of claimant, township and receipt, amount certified by the auditor for payment, and date paid. Arr. by twps., thereunder chron. by dates of claims. No index. Hdw. 150 pp. 15 x 12 x 1¼. Aud. off.

282. COUNTY AUDITOR'S LEDGER OF TOWNSHIP POOR RELIEF, 1935-. 1 vol.

Record of funds received and disbursed for poor relief in all townships, showing dates of receipts and disbursements, nature of relief, names of recipient and fund, amounts paid from county, state and federal funds, and total amounts received and disbursed. Arr. by twps., thereunder chron. by dates of receipts and disbursements. No index. Hdw. 75 pp. 16 x 11 x ½. Aud. off.

## 283. MISCELLANEOUS CLAIMS, 1937-. 1 f. d.

Orders of allowances for services rendered by court officials, showing dates of service, allowance and filing, amount of allowance, nature of service, and name of payee. Arr. chron. by dates of filing. No index. Hdw. 6 x 10 x 16. Aud. off.

For other court allowances, see entry 191iii.

## 284. COUNTY ORDERS, 1897-1910. 8 vols.

Stubs of orders drawn on treasurer for disbursement of county funds, showing date, number and amount of order, and names of payee and fund. Arr. num. by order nos. No index. Hdw. 300 pp. 18 x 5 x 2. I. U. Libr. bsmt.

## 285. JOURNAL, 1841-59. 2 vols.

Register of receipts and disbursements of county funds, showing dates of receipts and disbursements, receipt and warrant numbers, and names of payer, payee and fund. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 600 pp. 18 x 12 x 3. Aud. and treas. rec. rm.

## SCHOOL FUND

## 286. DISTRIBUTION OF SCHOOL REVENUE, 1920-. 3 f. b.

Auditor's report to state superintendent of public instruction on distribution of school revenue, showing dates of report and period covered, name of township or school corporation, enumeration of pupils in each school unit, amounts of common school and Congressional Township school revenue, local and intangible taxes for school purposes, total for each township or school corporation, total for county, and average daily attendance of pupils in each school unit. Arr. chron. by dates of reports. No index. Hdw. 10 x 5 x 14. Aud. and treas. rec. rm.

## 287. REGISTER OF SCHOOL FUND RECEIPTS, 1860-82. 2 vols.

1842-59 in School Journal, entry 289; 1883-94, 1900-1908, 1911-24 in Register of Receipts, entry 267; 1925- in Treasurer's Register of Receipts, entry 266.

Record of payments of principal and interest on common and Congressional school fund loans, showing loan number, date and amount of payment, and name of payer. Arr. chron. by dates of payments. Indexed alph. by names of payers. Hdw. 426 pp. 18 x 12 x 2. Aud. and treas. rec. rm.

## 288. REGISTER OF SCHOOL FUND ORDERS, 1860-90. 1 vol.

1842-59 in School Journal, entry 289; 1896-1924 in Register of Warrants, entry 273; 1925- in Register of Warrants, entry 272.

Record of disbursements of common and Congressional school

funds, showing date, number, amount and purpose of disbursement, and names of payee and fund. Arr. chron. by dates of disbursements. No index. Hdw. 400 pp. 16 x 11 x 2. Aud. and treas. rec. rm.

289. SCHOOL JOURNAL, 1842-59. 1 vol.

Register of receipts and disbursements of school funds, showing dates, amounts and purpose of receipts and disbursements, receipt and order numbers, and names of payer and payee. This is a combination of two records later kept separately: Register of School Fund Receipts, entry 287; Register of School Fund Orders, entry 283. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 400 pp. 14 x 10 x 2. Bsmt. stor. rm.

#### TAXATION

(See also entries 228-240)

#### REAL, PERSONAL, AND POLL

290. TRANSFER BOOK, 1859-. 104 vols. (dated).

Record of ownership and transfers of titles to real property, showing date of transfer, names of owner, grantor and grantee, kind of deed, and location, description and assessed valuation of property. Arr. alph. by names of present owners. No index. Hdw. 400 pp. 18 x 12 x 2. 74 vols., 1859-1932, aud. and treas. rec. rm.; 1 vol., 1866, attic stor. rm.; 7 vols., 1874-79, I. U. Libr. bsmt.; 5 vols., 1881-1903, C. C. bsmt. stor. rm.; 17 vols., 1928-, aud. off.

291. ASSESSOR'S BOOK, 1862-74, 1895-99, 1908-. 520 vols. (dated).

Record of all taxable property, showing names of property owner and taxing unit, location, description and valuation of property, number of polls, and amount of mortgage indebtedness on real property. Arr. by taxing units, thereunder alph. by names of property owners. No index. Hdw. 100 pp. 17 x 14 x ½. 67 vols., 1862-74, 1895-99, I. U. Libr. bsmt.; 261 vols., 1908-25, C. C. bsmt. stor. rm.; 192 vols., 1926-, aud. and treas. rec. rm.

292. ASSESSOR'S BOOKS, 1869-. 1,991 vols. (dated). Title varies: Assessment Lists, 1869-1908, 322 vols.

Schedule of personal property assessments, showing names of taxing unit and property owner, date of assessment, itemized list of personal property, valuations by owner and township and county assessors, and number of dogs. Arr. by taxing units, thereunder alph. by names of property owners. No

index. Hdw. 500 pp. 15 x 9 x 3. 322 vols., 1869-1908, attic stor. rm.; 1,448 vols., 1878-1934, C. C. bsmt. stor. rm.; 61 vols., 1895-1907, I. U. Libr. bsmt.; 160 vols., 1935-, assr. off.

293. ASSESSOR'S PLAT BOOK, 1880-. 61 vols.

Plat drawings of real estate, showing names of taxing unit and property owner, section, township and range numbers, and location, description and assessed valuation of lands, lots and improvements. Arr. by twps. No index. Hdw. 65 pp. 22 x 15 x 1. 16 vols., 1880-99, I. U. Libr. bsmt.; 22 vols., 1900-1922, C. C. bsmt. stor. rm.; 33 vols., 1923-, aud. and treas. rec. rm.

For other plat records, see entries 69, 70.

294. BANK STATEMENTS, 1901-. 2 f. b., 1 f. d.

Domestic corporations statements of all holdings in county, showing date of statement, name of corporation, location of principal office, kind of business, amounts of capital, common and preferred stock, market valuation of stock, value of all tangible property and franchises, amounts of gross receipts, surplus, reserve fund and undivided profits for last fiscal year, and copy of balance sheet. Arr. chron. by dates of statements. No index. Hdw. and typed. F. b., 10 x 5 x 14; f. d., 16 x 12 x 6. 1 f. b., 1901-23 bsmt. stor. rm.; 1 f. b., 1 f. d., 1924-, aud. and treas. rec. rm.

295. STATE BOARD ASSESSMENTS, 1926-. 2 f. d.

Partnerships', firms', unincorporated companies' and foreign corporations' statements of all holdings in state, showing date of statement, name of partnership, firm, company or corporation, kind of business, location of principal or home office, copy of balance sheet, gross receipts for last fiscal year, amount of insurance carried on property in state, present value of real estate, buildings, machinery, equipment, furniture, fixtures, materials and supplies, and amounts of taxable stocks, bonds and other intangibles. Arr. chron. by dates of statements. No index. Hdw. 6 x 12 x 16. Aud. off.

296. VALUATION RECORD, 1859-95. 17 vols. (dated). Title varies: Valuation of Real Estate, 1859-65, 9 vols.; Auditor's Record of Appraisement, 1869-73, 3 vols.; Copy of Assessments, 1875, 1 vol.

Record of valuation of real property for taxation, showing date of appraisement, names of taxing unit and property owner, location and description of property, and appraised valuation of lands, lots and improvements. Arr. by taxing units, thereunder alph. by names of property owners. No index. Hdw. 496 pp. 18 x 12 x 3. 9 vols., 1859-64, 1869-95, aud. and



treas. rec. rm.; 1 vol., 1864, attic stor. rm.; 6 vols., 1863-65, I. U. Libr. bsmt.; 1 vol., 1869, C. C. bsmt. stor. rm.

297. TAX DUPLICATE AND DELINQUENT LIST, 1877-1913. 9 vols. (dated). Discontinued.

Record of all taxes payable and delinquent list, showing duplicate number, names of taxing unit, property owner and poll, location, description and assessed valuation of property, amounts of real, personal property and poll taxes, and amounts paid and delinquent. This is a combination of two records formerly kept separately: Tax Duplicate, entry 298; Delinquent List, entry 299. Arr. by taxing units, thereunder alph. by names of property owners and polls. No index. Hdw. 500 pp. 17 x 20 x 2. 51 vols., 1877-99, attic stor. rm.; 39 vols., 1900-1913, bsmt. stor. rm.

298. TAX DUPLICATE, 1843-76. 37 vols. (dated), 1877-1913 in Tax Duplicate and Delinquent List, entry 297.

Record of all taxes payable, showing duplicate number, names of taxpayer and taxing unit, location, description and assessed valuation of property, amounts assessed for real property, personal property and poll, amounts of exemptions, and date of payment. Arr. by taxing units, thereunder alph. by names of taxpayers. No index. Hdw. 420 pp. 13 x 12 x 2. 22 vols., 1843-67, bsmt. stor. rm.; 15 vols., 1868-76, attic stor. rm.

299. DELINQUENT LIST, 1853-64, 1873-76. 5 vols. (dated). 1877-1913 in Tax Duplicate and Delinquent List, entry 297.

Record of property and polls returned delinquent for nonpayment of taxes, showing duplicate number, names of taxing unit, property owner and poll, location, description and assessed valuation of property, and amounts of delinquency, penalty and interest. Arr. by taxing units, thereunder alph. by names of property owners and polls. No index. Hdw. 420 pp. 13 x 12 x 2. 1 vol., 1853-57, attic stor. rm.; 2 vols., 1858-64, bsmt. stor. rm.; 2 vols., 1873-76, aud. and treas. rec. rm.

PUBLIC IMPROVEMENTS (see also entries 16-22, 236, 237, 391-403)

300. GRAVEL ROAD TAX DUPLICATES, 1887, 1888, 1890, 1891, 1894-96. 5 vols.

Record of assessments for construction and maintenance of gravel roads, showing date of assessment, duplicate number, names of property owner and taxing unit, location and description of property, and amounts of assessment, payment and delinquency. Arr. num. by duplicate nos. No index. Hdw. 313 pp. 17 x 16 x 2. Aud. and treas. rec. rm.

## EXEMPTIONS

301. MORTGAGE EX[emption], 1888-. 2 cartons, 25 f. b.  
(labeled by taxing units).

Original affidavits of mortgage indebtedness, showing dates of affidavit and mortgage, names of taxing unit, mortgagor and mortgagee, amounts of mortgage, and location and description of property. Arr. chron. by dates of affidavits. No index. Hdw. Cartons, 12 x 12 x 18; f. b., 10 x 5 x 14. 2 cartons, 1888-1934, bsmt. stor. rm.; 25 f. b., 1935-, aud. and treas. rec. rm.

302. SOLDIERS' EXEMPTIONS, 1890-. 1 carton, 1 f. b.  
Affidavits of veterans or their widows to obtain tax exemptions, showing date of affidavit, name, age, address and service record of veteran, name of widow, location and description of property, and amount of exemption. Arr. chron. by dates of affidavits. No index. Hdw. Carton, 15 x 24 x 10; f. b., 10 x 5 x 14. 1 carton, 1890-1934, bsmt. stor. rm.; 1 f. b., 1935-, aud. off.

303. MORTGAGE AFFIDAVITS, 1903-. 156 vols.  
Record of affidavits of mortgage indebtedness, showing date of affidavit, names of taxing unit, mortgagor and mortgagee, amounts of mortgage and exemption, and location and description of property. Arr. chron. by dates of affidavits. No index. Hdw. 700 pp. 15 x 12 x 7. 31 vols., 1903-13, attic stor. rm.; 6 vols., 1906-10, I. U. Libr. bsmt.; 96 vols., 1903-30, C. C. bsmt. stor. rm.; 16 vols., 1931-34, aud. and treas. rec. rm.; 7 vols., 1935-, aud. off.

304. EXEMPTIONS, 1936-. 1 f. b.  
Applications for tax exemptions for educational, charitable, religious, fraternal, literary and scientific organizations, showing dates of application, acquisition of property and filing, name of applicant, valuation of real property, improvements and personal property, location and description of property, and memoranda of action taken by board of review. Arr. chron. by dates of filing. No index. Hdw. 10 x 5 x 14. Aud. and treas. rec. rm.

## TAX SALES

305. RECORD OF DELINQUENT LANDS AND LOTS, 1847-. 9 vols.  
Record of lands and lots offered for sale for delinquent taxes, showing date and amount of sale, names of property owner and purchaser, location and description of property, and amount of taxes due. Arr. chron. by dates of sales. No index. Hdw. 600 pp. 18 x 12 x 2½. 3 vols., 1847-63, 1893-96, bsmt. stor. rm.; 6 vols., 1864-92, 1897-, aud. and treas. rec. rm.

306. REGISTER OF TAX SALE, 1842-. 9 vols. (six vols. not labeled, 2, 1, 2).

Record of property sold for delinquent taxes, showing date and amount of sale, tax duplicate and sales certificate numbers, names of taxing unit, property owner and purchaser, location and description of property, and date of redemption or tax title deed. Arr. chron. by dates of sales. No index. Hdw. 400 pp. 19 x 18 x 2. 5 vols., 1842-65, 1883-, aud. and treas. rec. rm.; 4 vols., 1886-82, I. U. Libr. bsmt.

307. TAX CERTIFICATES, 1925-. 3 f. b.

Original certificates of sales of property sold for delinquent taxes submitted to auditor when property is redeemed, showing dates of certificate, sale and redemption, names of property owner and purchaser, location and description of property, and amount of sale. Arr. chron. by dates of certificates. No index. Typed. 10 x 5 x 14. Aud. and treas. rec. rm.

308. RECORD OF TAX SALE CERTIFICATES, 1862-96. 7 vols. Discontinued.

Record of property relinquished to state and sold at private sale for delinquent taxes, showing date, amount and place of sale, names of original owner and purchaser, and location and description of property. Arr. chron. by dates of sales. No index. Hdw. 350 pp. 16 x 10 x 2. Aud. and treas. rec. rm.

309. DELINQUENT TAX SALE RECEIPTS, 1868-81, 1900-1931. 22 vols. Title varies: Receipt Book, 1868-81. 1 vol.

Stubs of receipts issued to purchasers of property sold for delinquent taxes, showing date, number and amount of receipt, names of taxing unit and purchaser, and location and description of property. Arr. chron. by dates of receipts. No index. Hdw. 100 pp. 4 x 12 x 1/4. 4 vols., 1868-81, 1901-5, 1918-20, I. U. Libr. bsmt.; 9 vols., 1900-1920, C. C., attic stor. rm.; 9 vols., 1920-31, C. C., bsmt. stor. rm.

#### OFFICIAL BONDS

(See also entries 25-29)

310. OFFICIAL REGISTER, 1833-90, 1909-. 2 vols. (one vol. not labeled, 1).

Register of bonded officials, showing dates of commission or appointment and resignation or expiration, names of office, official and sureties, and amount and nature of bond. Arr. alph. by names of officials. No index. Hdw. 300 pp. 18 x 12 x 3. 1 vol., 1833-90, bsmt. stor. rm.; 1 vol., 1909-, aud. and treas. rec. rm.

311. TOWNSHIP TRUSTEES' BONDS, 1867-88, 1904-. 2 vols.  
Title varies: Trustee Bond Record, 1867-88, 1  
vol. 1859-66 in Official Bonds, entry 314.

Record of bonds posted by township trustees, showing date, amount and conditions of bond, and names of trustee and sureties. Arr. chron. by dates of bonds. No index. Hdw. 200 pp. 16 x 10 x 1. 1 vol., 1867-88, attic stor. rm.; 1 vol., 1904-, aud. and treas. rec. rm.

312. SCHOOL TRUSTEE'S BOND RECORD, 1878-. 4 vols. (1, two vols. not labeled, 4). 1865-77 in Official Bonds, entry 314.

Record of bonds posted by school trustees, showing date, amount and conditions of bond, and names of trustee and sureties. Arr. chron. by dates of bonds. Indexed alph. by names of trustees. Hdw. 200 pp. 16 x 10 x 1. Aud. rec. rm.

313. RECORD OF ASSESSORS' BONDS, 1865-67, 1882-1916. 2 vols. Discontinued. 1841-64, 1868-81 in Official Bonds, entry 314.

Record of bonds posted by assessors, showing date, amount and conditions of bond, and names of assessor and sureties. Arr. chron. by dates of bonds. Indexed alph. by names of assessors. Hdw. 230 pp. 16 x 11 x 1½. 1 vol., 1865-67, I. U. Libr. bsmt.; 1 vol., 1882-1916, aud. and treas. rec. rm.

314. OFFICIAL BONDS, 1835-94. 1 vol. (A). Discontinued.

Record of bonds posted by county and township officials, showing date, amount and conditions of bond, and names of official and sureties. Also contains: Township Trustee's Bonds, 1859-66, entry 311; School Trustee's Bond Record, 1865-77, entry 312; Record of Assessors' Bonds, 1841-64, 1868-81, entry 313. Arr. chron. by dates of bonds. No index. Hdw. 250 pp. 16 x 10 x 1. Bsmt. stor. rm.

#### PUBLIC WELFARE

(See also entries 83, 84, 369-388)

315. WELFARE DEPARTMENT MISCELLANEOUS PAPERS, 1936-. 1 f. d.

Copies of public welfare documents filed with auditor, including:

- i. Copies of appointments of county welfare board members, showing date of appointment, name, age, sex, qualifications and political affiliation of appointee, term of appointment, and name of appointing judge. Arr. chron. by dates of appointments.



- ii. Copies of appointments of county director, showing date of appointment, name and address of appointee; and names of welfare board members. Arr. chron. by dates of appointments.
- iii. Copies of notices of bond of county director, showing dates of notice and approval, names of director and sureties, and amount of bond. Arr. chron. by dates of notices.
- iv. Copies of appointments to staff positions, showing dates of appointment and approval, name of appointee, title of position, and monthly salary and travel allowance. Arr. chron. by dates of appointments.
- v. Copies of authorizations to administer oaths, showing date of authorization, name of employee, title of position, and conditions of authorization. Arr. chron. by dates of authorizations.
- vi. Copies of dismissals of staff employees, showing date of dismissal, name of employee, title of position, and reason for dismissal. Arr. chron. by dates of dismissals.
- vii. Copies of revocations of authorizations to administer oaths, showing date of revocation, name of employee, title of position, and reason for revocation. Arr. chron. by dates of revocations.
- viii. Copies of claims for personal services, showing date and nature of claim, name of employee, monthly rate, and appropriation and warrant numbers. Arr. chron. by dates of claims.
- ix. Copies of monthly financial reports to state department of public welfare, showing date of report, schedule of receipts and disbursements, appropriation balances, and certifications of county director and auditor. Arr. chron. by dates of reports.
- x. Copies of notices of rejection of applications for old-age assistance, showing dates of application and rejection, application code and serial numbers, name, age, sex, date and place of birth and financial status of applicant, and reason for rejection. Arr. alph. by names of applicants.
- xi. Copies of certificates of award for old-age assistance, showing dates of certificate, name, age and address of recipient, application code, serial and certificate numbers, and amount of award. Arr. alph. by names of recipients.

- xii. Copies of certificates of change of award for old-age assistance, showing dates of award and certificate, name of recipient, amounts of original and amended award, and reason for change. Arr. alph. by names of recipients.
- xiii. Copies of certificates of withdrawal of old-age assistance, showing date of certificate, name, age and address of recipient, amount of award, and reason for withdrawal. Arr. alph. by names of recipients.
- xiv. Copies of claim schedules for old-age assistance, showing dates of schedule and warrant, name of recipient, amounts of claim and warrant, and warrant number. Arr. chron. by dates of schedules.
- xv. Copies of claims for burial of old-age assistance recipients, showing date of claim, name of claimant and recipient, numbers and amounts of claim warrant, and certifications by auditor and county director. Arr. num. by claim nos.
- xvi. Copies of claims for repayment of old-age assistance granted, showing date of claim, name and address of recipient, and amounts granted and reimbursed. Arr. chron. by dates of claims.
- xvii. Copies of notices of rejection of applications for assistance to dependent children, showing dates of application and rejection, application code and serial numbers, name, age, sex and date and place of birth of applicant, and reason for rejection. Arr. alph. by names of applicants.
- xviii. Copies of certificates of award of assistance for dependent children, showing date of certificate, name, age and address of recipient, application code and serial numbers, and amount of award. Arr. alph. by names of applicants.
- xix. Copies of certificates of change of award of assistance to dependent children, showing dates of award and certificate, name of recipient, amounts of original and amended award, and reason for change. Arr. alph. by names of recipients.
- xx. Copies of certificates of withdrawal of assistance to dependent children, showing date of certificate, name, age and address of recipient, amount of award, and reason for withdrawal. Arr. alph. by names of recipients.

- xxi. Copies of claim schedules for assistance to dependent children, showing dates of schedule and warrant, name of recipient, amount of claim, and warrant number. Arr. chron. by dates of schedules.

No index. Typed. 6 x 12 x 24. Aud. off.

#### MISCELLANEOUS

316. COMMITMENTS TO LONG HOSPITAL, 1933-39. 1 f. b.

Trustee's certificates of admittance to Indiana University hospitals, showing date and number of certificate, names of patient and trustee, and nature of illness. Arr. chron. by dates of certificates. No index. Typed. 10 x 5 x 14. Aud. and treas. rec. rm.

317. ENUMERATION OF WHITE AND COLORED MALES, 1860, 1866, 1871, 1901, 1907, 1913, 1919, 1925, 1931, 1937. 34 vols.

Sexennial enumeration of white and colored male inhabitants over 21 years of age, showing date of enumeration, name, age, address and color of male, and names of township and assessor. Arr. alph. by names of males. No index. Hdw. 200 pp. 14 x 8 x 1½. 3 vols., 1860, 1901, attic stor. rm.; 8 vols., 1866, 1871, I. U. Libr. bsmt.; 11 vols., 1907, 1913, 1919, C. C. bsmt. stor. rm.; 12 vols., 1925, 1931, 1937, aud. and treas. rec. rm.

#### MAPS

318. MONROE COUNTY, 1916. 1 map.

Political and communication map of Monroe County, showing date of map, township, section and range lines, railroads, roads, and mail routes. Published at Chicago, Ill., by Geographical Pub. Co. Ptd. No scale given. 14 x 17. Aud. off.

319. MONROE COUNTY, 1920. 1 map.

Plat map of divisions and subdivisions in Monroe County, showing date of map, name, location and description of plat, outlots, inlots and section numbers, and names of owners. Drawn by Elmer E. Van Buskirk and Gus Frobenues, Indianapolis. Ptd. No scale given. 40 x 47. Aud. off.

320. MAP OF TOWNSHIP, 1897. 5 maps.

Political, communications, and land tenure map of townships in Monroe County, showing date of map, township, section

and range lines, divisions and ownerships of land, and locations of rivers and creeks. Drawn by Champe. Published by G. E. Siedental. Ptd. No scale given. 20 x 26. Bsmt. stor. rm.

321. CITY OF BLOOMINGTON, 1932. 1 map.

Plat map of Bloomington, showing date of map, names of plat, additions and subdivisions, description, location and area of plat, inlots, outlets, and railroads. Drawn by John T. Stapleton, Bloomington. Ptd. No scale given. 42 x 50. Aud. off.

322. CITY OF BLOOMINGTON, 1904-27. 1 map.

Communication and land tenure map of Bloomington, showing date of map, roads, township boundaries, railroads, creeks, lots and subdivisions, and section and range lines. Drawn by U. S. Hanna, Bloomington. Ptd. Scale: 1" to 160'. 72 x 90. Aud. off.

323. BLOOMINGTON, 1913. 24 maps.

Plat maps of Bloomington, showing date of plat, locations of water supply, fire department, railroads, streets, churches, schools, business places and public buildings, and direction of prevailing winds. Published at New York by Sanborn Map Co. Ptd. Scale: 1" to 50'. Aud. off.

## XVI. REGISTRATION OFFICER

### LEGAL STATUS

The clerk of the circuit court serves ex officio as the registration officer of Monroe County, under the mandatory provisions of an act of 1933, as amended in 1935.<sup>1</sup>

The registration officer may appoint as many deputy registration officers for the county as may be necessary. They are selected, as nearly as practicable, in equal numbers, from the two major political parties, on the written recommendation of the county chairman of each party. They receive a certificate of appointment which they must keep with them when about their official duties, and must take an oath administered by the clerk of the circuit court. The clerk of each city and town in the county is an ex officio deputy registration officer. A list of all deputy registration officers is kept in the office of the clerk of the

---

<sup>1</sup> Acts 1933, 1935; Burns, 1939 suppl., 29-306; Baldwin, 1935 suppl., 7304.



circuit court, and is open to public inspection. All deputy registration officers act under the direction, supervision, and authority of the clerk of the circuit court. The appointed deputies may be removed from office by the clerk at any time.<sup>2</sup>

For each registration blank or transfer of registration which the clerk of the circuit court fills out and executes, he receives compensation in an amount (fixed by the board of county commissioners) not exceeding 4 cents. Each deputy registration officer receives compensation in an amount (fixed by the board of county commissioners) not exceeding 5 cents for each registration blank or transfer of registration which he delivers, properly filled out and executed, to the clerk of the circuit court. The board of county commissioners authorizes reasonable compensation to the clerk of the circuit court for the additional services rendered by him as registration officer.<sup>3</sup>

The constitution prescribes the qualifications of voters.<sup>4</sup> Amendments of the constitution in 1881 and 1926 directed the general assembly to provide for the registration of all persons entitled to vote.<sup>5</sup>

Many laws for registration have been enacted. An act of 1867, establishing a township board of registry, consisting of the township trustee and two freeholders appointed by the board of commissioners,<sup>6</sup> was repealed in 1869.<sup>7</sup> Acts of 1889<sup>8</sup> and 1891,<sup>9</sup> providing for registration in the office of the clerk of the circuit court, were declared unconstitutional in 1890<sup>10</sup> and 1892,<sup>11</sup> respectively. An act of 1911, providing for a precinct registration board, consisting of a registration inspector (appointed by the board of commissioners) and two registration clerks (appointed by the registration inspector),<sup>12</sup> was repealed in 1917.<sup>13</sup> An act of 1917, cre-

---

<sup>2</sup> *Ibid.*

<sup>3</sup> Acts 1933, 1935; Burns, 1939 suppl., 29-306, 29-329; Baldwin, 1935 suppl., 7304, 7327.

<sup>4</sup> Const. 1851, art. 2, sec. 2.

<sup>5</sup> *Ibid.*, sec. 14 (as amended in 1881 and 1926).

<sup>6</sup> Acts 1867, ch. 51, sec. 2.

<sup>7</sup> Acts 1869 (Spec. Sess.), ch. 31, sec. 1.

<sup>8</sup> Acts 1889, ch. 87, sec. 13.

<sup>9</sup> Acts 1891, ch. 144, sec. 1.

<sup>10</sup> *Morris v. Powell* (1890), 125 Ind. 281, 25 N. E. 221.

<sup>11</sup> *Brewer v. McClelland* (1892), 144 Ind. 423, 32 N. E. 299.

<sup>12</sup> Acts 1911, ch. 150, secs. 3-15.

<sup>13</sup> Acts 1917, ch. 139, sec. 47.

ating a board of registration commissioners (generally called the "registration board"), consisting of the clerk of the circuit court and two qualified electors appointed by him (one from each of the two major political parties),<sup>14</sup> was repealed in 1919.<sup>15</sup> An act of 1919, creating precinct registration boards,<sup>16</sup> was amended by an act of 1925, creating a registration board consisting of the auditor and a person of opposite political faith appointed by him;<sup>17</sup> and both acts were repealed in 1927.<sup>18</sup> From 1927 until 1933 there was no registration system. Acts of 1933 and 1935 established the present system of registration.<sup>19</sup>

#### FUNCTIONS AND RECORDS

Registration of all voters is a requirement for voting at any general election, primary election, city election, or any special election in which all qualified voters of the state may participate. Such registration must be made at least 29 days before the election.<sup>20</sup> On proper application every person is entitled to register for voting in the precinct in which he resides, provided such person (a) will be at least 21 years old at the next ensuing general election or city election, (b) is a citizen of the United States, and (c) will, at the time of such election (if he continues to reside in the same ward or precinct), have resided in the state 6 months, in the township 60 days, and in the ward or precinct 30 days.<sup>21</sup>

The registration officer has full charge and control of the registration of the voters and provides all the necessary books and supplies.<sup>22</sup> The deputy registration officers may

---

<sup>14</sup> *Ibid.*, sec. 4.

<sup>15</sup> Acts 1919, ch. 150, sec. 1.

<sup>16</sup> *Ibid.*, ch. 186, sec. 4.

<sup>17</sup> Acts 1925, ch. 138, sec. 1.

<sup>18</sup> Acts 1927, ch. 195, sec. 1.

<sup>19</sup> Acts 1933, ch. 178. Acts 1935, ch. 221.

The 1933 act was held constitutional. *Blue v. State ex rel. Brown* (1934), 206 Ind. 98, 188 N. E. 583.

<sup>20</sup> Acts 1933; Burns 29-301, 29-307, 29-335; Baldwin 7299, 7305, 7333. Acts 1933, 1935; Burns, 1939 suppl, 29-336; Baldwin, 1935 suppl., 7334.

<sup>21</sup> Acts 1933; Burns 29-328; Baldwin 7326.

<sup>22</sup> Acts 1933; Burns 29-309; Baldwin 7307.

Manner of registering. Acts 1933; Burns 29-308 to 29-313; Baldwin 7306 to 7311.

Penalty for false statement, false signature, or violation of registration law. Acts 1933; Burns 29-339; Baldwin 7337.

register voters at such places within the county as the clerk of the circuit court shall designate and which will be deemed most convenient to large numbers of voters without reference to precincts.<sup>23</sup> They can administer all oaths required by the registration laws.<sup>24</sup>

The "official registration books" consist of the original affidavits of registration<sup>25</sup> and constitute a permanent registration record. The clerk also keeps a duplicate set of these affidavits.<sup>26</sup> The clerk, not later than 10 days before the election, prepares typewritten or photostatic copies of the registration list of each precinct in the county, and delivers one copy to the county chairman of each of the two major political parties. Two copies of the list are delivered to each election inspector, as a part of the sealed package of election supplies, to be used at the polls on election day. Other copies may be publicly inspected at the office of the clerk as soon as they are completed.<sup>27</sup> Registration supplies and the original affidavits of registration are delivered by the clerk to the election inspectors for use at the voting places on election day, and are returned to the clerk when the precinct officials complete their duties.<sup>28</sup>

Except as hereinafter otherwise stated, any voter whose name was placed on the registration books of any precinct in this state after May 21, 1933 while such voter was a resident of that precinct is not required to register again, so long as (a) he continues to reside in the same county in which he is registered and (b) is not disfranchised for any cause prescribed by the laws of the state and (c) his registration is not canceled.<sup>29</sup> The clerk will cancel the registration of any voter who requests such cancellation.<sup>30</sup>

On a change of residence within the county, any registered voter may cause his registration to be transferred to his new address by sending a transfer to the clerk or by applying in person to the clerk for such transfer. If a voter

---

<sup>23</sup> Acts 1933, 1935; Burns, 1939 suppl., 29-311; Baldwin, 1935 suppl., 7309.

<sup>24</sup> Acts 1933, 1935; Burns, 1939 suppl., 29-306; Baldwin, 1935 suppl., 7304.

<sup>25</sup> Acts 1933, 1935; Burns, 1939 suppl., 29-313; Baldwin, 1935 suppl., 7311. Acts 1933; Burns 29-315, 29-316; Baldwin 7313, 7314.

<sup>26</sup> Acts 1933; Burns 29-302; Baldwin 7300.

<sup>27</sup> Acts 1933, 1935; Burns, 1939 suppl., 29-317; Baldwin, 1935 suppl., 7315.

<sup>28</sup> Acts 1933; Burns 29-316, 29-331; Baldwin 7314, 7329.

<sup>29</sup> Acts 1933; Burns 29-303, 29-308; Baldwin 7301, 7306.

<sup>30</sup> Acts 1933; Burns 29-324, 29-327; Baldwin 7322, 7325.

changes his residence from the county in which he is registered to some other county, he must register in the proper precinct of the county to which he has moved and sign a printed form authorizing the cancellation of the previous registration. Within 15 days thereafter the clerk of the latter county forwards this document to the clerk of the former county, who cancels the previous registration.<sup>31</sup>

When the address of a voter (at which the voter continues to reside) is transferred to another precinct by a change of precinct boundaries or by creation of a new precinct, the clerk must transfer the voter's registration accordingly, and it is not necessary for the voter to apply for such transfer.<sup>32</sup>

If the clerk of the circuit court mails to a registered voter, at his registered address, a notice stating that the clerk has received information (specifying the source thereof) that the voter has moved away from the county, precinct, or address at which he is registered, the registration of the voter will be canceled unless the voter applies for a continuance of registration within 30 days after the mailing of the notice.<sup>33</sup>

If a voter's name is changed by marriage or by court order, the voter's previous registration cannot serve as a basis for voting unless before receiving a ballot the voter files a verified statement setting forth the name under which such voter is registered and the name of such voter as changed. This statement may be filed with the clerk of the circuit court on any day or with another member of the election board on election day.<sup>34</sup>

Any voter of the county or city may challenge the registration of any registered voter of such county or city by submitting an affidavit to the clerk of the circuit court, not later than 2 weeks before any primary election, general election, or city election. This affidavit must state that such voter is not qualified to vote in the precinct in which he is registered and must specify reasons why such challenged voter is disqualified. The clerk then mails to the challenged voter, at his registered address, a notification of such challenge. In order to vote at such election the challenged voter must take an oath as required by law for voters challenged

---

<sup>31</sup> Acts 1933, 1935; Burns, 1939 suppl., 29-314; Baldwin, 1935 suppl., 7312.

<sup>32</sup> Acts 1933; Burns 29-318, 29-319; Baldwin 7316, 7317.

<sup>33</sup> Acts 1933; Burns 29-326, 29-327; Baldwin 7324, 7325.

<sup>34</sup> Acts 1933; Burns 29-330; Baldwin 7328.



at an election. The oath may be taken before the clerk within 7 days after mailing the notice or may be taken before the election inspector at the election.<sup>35</sup>

During the month of January following each general election the clerk must examine the registration books of each precinct and must note the names of all voters who have not voted within a period of 2 years. The clerk must then mail to each such voter, at his last known address, a notice on a printed form prescribed by law. The registration of any such voter will be canceled unless the voter applies for reinstatement of registration within 30 days after the mailing of such notice.<sup>36</sup>

It is the duty of the registration officer to check the registration lists continually for deceased and disfranchised voters. Lists of deceased voters are obtained from local health officers, and the clerk prepares a list of all disfranchised voters.<sup>37</sup>

If the board of county commissioners determines that the registration books of any precinct have been destroyed, mutilated, are inaccessible, or for any other reasonable cause unfit to be used, a new registration must be conducted in that precinct and every voter residing in that precinct must register.<sup>38</sup>

The expense of the preparation of registration is paid out of the general fund of the county treasury, as directed by the board of county commissioners, after appropriation by the county council. The expense of preparing lists of registered voters for use in a city election is paid by the city, after appropriation by its common council.<sup>39</sup>

All forms, blanks, records, and other supplies used in the registration of voters are prescribed by the state board of election commissioners for the purpose of uniformity in the registration records of the state.<sup>40</sup>

#### 324. REGISTRATION BOOKS, 1926, 1934-. 185 vols.

Original registration affidavits of voters, showing date of affidavit, name, age, sex, address, birthplace, citizenship and

---

<sup>35</sup> Acts 1933; Burns 29-325, 29-327; Baldwin 7323, 7325.

<sup>36</sup> Acts 1933; Burns 29-320; Baldwin 7318.

<sup>37</sup> Acts 1933; Burns 29-321, 29-322, 29-327; Baldwin 7319, 7320, 7325.

<sup>38</sup> Acts 1933; Burns 29-304; Baldwin 7302.

<sup>39</sup> Acts 1933; Burns 29-305; Baldwin 7303.

<sup>40</sup> Acts 1933; Burns 29-334; Baldwin 7332.

number of voter, names of registration officer and township, and precinct and ward numbers. Arr. alph. by names of voters. No index. Hdw. 22 pp. 16 x 10 x 1/2. 102 vols., 1926, comr. rec. rm.; 83 vols., 1934-, clk. off.

325. INTENTION TO BECOME ELECTOR, 1892. 1 vol. Discontinued.

Record of citizens' affidavits filed with the county clerk for establishing legal residence as an elector, showing date of affidavit, name, address and age of affiant, name of township, and ward and precinct numbers. Arr. alph. by names of affiants. No index. Hdw. 225 pp. 16 x 11 x 1 1/2. Clk. rec. rm.

## XVII. BOARD OF PRIMARY ELECTION COMMISSIONERS

### LEGAL STATUS

The board of primary election commissioners of Monroe County exists under the mandatory provisions of an act of 1915, as amended in 1917. The board is composed of the clerk of the circuit court and two persons appointed by him (one from each of the two major political parties, nominated by their respective county chairmen).<sup>1</sup> The appointed members must be electors of the county at the time of their appointment, must have been inhabitants thereof throughout the preceding year, must reside within the county after their appointment,<sup>2</sup> must serve as members of the county board of canvassers and county board of election commissioners during the calendar year in which they were appointed,<sup>3</sup> must not hold any other appointive or elective public office,<sup>4</sup> and must take an oath to support the state and federal constitutions and faithfully discharge their duties.<sup>5</sup> Each member of the board is allowed \$125 for his services at any primary election.<sup>6</sup>

---

<sup>1</sup> Acts 1915, 1917; Burns 29-504; Baldwin 7190. The amendment of 1917 merely added a compensatory provision which was superseded by an act of 1935. See footnote 6 herein.

<sup>2</sup> Const. 1851, art. 6, secs. 4, 6.

<sup>3</sup> Acts 1915, 1917; Burns 29-504; Baldwin 7190. Acts 1905, 1927; Burns 29-1401; Baldwin 7377. See the essays entitled "County Board of Canvassers" and "County Board of Election Commissioners."

<sup>4</sup> Acts 1915, 1917; Burns 29-512; Baldwin 7198.

<sup>5</sup> Const. 1851, art. 15, sec. 4. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

<sup>6</sup> Acts 1915, 1917; Burns 29-504; Baldwin 7190. Acts 1935; Burns, 1939 suppl., 29-1014; Baldwin, 1937 suppl., 7109-1.

For sufficient legal grounds any member of the board of primary election commissioners may be removed from office by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.<sup>7</sup> If any member is convicted of a felony the judgment of conviction must declare his office vacant.<sup>8</sup> A vacancy in the office of an appointed member is filled through appointment by the clerk of the circuit court.<sup>9</sup>

Before 1907 nominations were strictly a party affair. At first candidates were proposed by a mass meeting, or by an informed caucus which could be a meeting of all the voters of the party in the precinct (township) or of party members interested sufficiently to attend (county and state). Out of the latter developed the party convention—an assembly of official delegates chosen by party officials such as precinct committeemen or county or district chairmen.<sup>10</sup>

Indiana was one of the first states to adopt the primary election as a means of choosing candidates. The law of 1889 which instituted the Australian ballot system, recognized the right of a political party to hold a primary election, under the control of the chairman who certified the names of the nominees to the county board of election commissioners.<sup>11</sup>

An act of 1901, applicable to all political parties casting 10 percent of the total vote at the preceding general election, provided for the organization of political parties and the holding of two primary elections—one for precinct committeemen, and one for direct nomination of candidates or for election of delegates to a nominating convention. The precinct committeemen elected at the first primary election determined whether the party candidates should be nominated at a primary election or by a delegate convention. For a primary election the party chairman was required to fix the

Mandamus to compel appropriation for compensation. *Blue v. State ex rel. Powell* (1936), 210 Ind. 486, 1 N. E. (2d) 122.

<sup>7</sup> Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

<sup>8</sup> Acts 1897, 1899; Burns 49-834; Baldwin 13050.

<sup>9</sup> Acts 1915, 1917; Burns 29-504; Baldwin 7190.

For vacancy in the office of clerk, see the essay entitled "Clerk of the Circuit Court."

<sup>10</sup> Alma Sickler Bender, *Why Go Back? . . . from the Direct Primary to the Convention System of Nomination* (Indianapolis, 1930), 21.

<sup>11</sup> Acts 1889, ch. 87, secs. 17, 18, 26.

date thereof and deliver to the county board of election commissioners the names of the candidates proposed by petition. This board was required to prepare the primary ballot. No two political parties could hold their primaries at the same time or place. Returns were made to the party board of primary election commissioners. This board declared the nominees of the party, and the chairman of the board certified their names to the county board of election commissioners.<sup>12</sup>

An act of 1907 prescribed a compulsory direct primary election, under the supervision of a county board of primary election commissioners, for the nomination of party candidates for all county and township offices. This board consisted of the same membership as at present and its members acted as election commissioners at the general election. This primary election included all political parties casting 10 percent of the total vote at the preceding general election, and was conducted by bipartisan precinct election boards paid from county funds.<sup>13</sup>

#### FUNCTIONS AND RECORDS

The present primary election law is mandatory as to each political party casting in the county for its candidate for secretary of state 10 percent of the aggregate vote cast in the county for all candidates for secretary of state at the last preceding general election. This law provides for the nomination of candidates and the election of precinct committeemen and state convention delegates of all such political parties, all in one primary election held biennially, at the same time and place, on the 1st Tuesday after the 1st Monday in May, in the even-numbered years.<sup>14</sup>

The board of primary election commissioners supervises primary elections. It prepares and distributes all ballots used in the county (except for town primaries)<sup>15</sup>—the names of candidates being arranged thereon in alphabetical order.<sup>16</sup>

---

<sup>12</sup> Acts 1901, ch. 219, secs. 1-4, 6-11, 25.

<sup>13</sup> Acts 1907, ch. 282, secs. 1, 2, 6, 10-15, 22, 57.

<sup>14</sup> Acts 1915; Burns 29-501; Baldwin 7187. Acts 1915, 1917, 1925, 1929; Burns 29-511, 29-512 Baldwin 7196, 7197. Acts 1915, 1939; Burns, 1939 suppl., 29-532; Baldwin, 1939 suppl., 7218.

"Courts of equity have no jurisdiction to interfere in the purely political activities of political party organizations." State *ex rel.* Democratic Central Committee v. Superior Court (1938), 214 Ind. 322, 15 N. E. (2d) 379.

<sup>15</sup> Acts 1915, 1917; Burns 29-504; Baldwin 7190.

<sup>16</sup> Acts 1915, 1937; Burns, 1939 suppl., 29-515; Baldwin, 1937 suppl., 7201.



At all primary elections the Australian ballot is used. It is made up of the printed tickets of the several political parties qualified for participation in the election. The tickets of each party are on paper of a color not used for the tickets of other parties, but all tickets are uniform in size.<sup>17</sup>

Between 30 and 60 days before any primary election the declarations of candidacies for the offices of United States Senators and Representatives, state senators and representatives, and judicial officers (including the judge of the circuit court, prosecuting attorney, and justices of the peace) are filed by the candidates with the secretary of state and are certified by him to the clerk of the circuit court; and during the same time the declarations of candidacies for other offices (except town offices and those voted on by the voters of the whole state) are filed by the candidates with the clerk of the circuit court. Nominations for these offices are made at the primary election.<sup>18</sup> Nominations for delegates to the state conventions of the respective political parties are made by petitions filed with the clerk at least 30 days before the primary election. These delegates are elected at the primary election.<sup>19</sup>

Primary elections are conducted by the following officials in each precinct: One election inspector, two election judges, two poll clerks, two election sheriffs, and one poll book holder for each political party participating in the election. Their qualifications and duties are the same as those of the corresponding precinct officials for general elections. The inspector, judges, and clerks are appointed as follows: The party casting the highest vote in the county for secretary of the state at the last general election appoints the inspector, the party casting the next highest vote appoints one election judge, and so on in rotation among all parties participating in the election. The sheriffs and poll book holders

---

<sup>17</sup> Acts 1915, 1917; Burns 29-504, 29-514; Baldwin 7190, 7200.

<sup>18</sup> Acts 1915; Burns 29-501; Baldwin 7187. Acts 1915, 1917, 1933, 1935; Burns, 1939 suppl., 29-513; Baldwin, 1935 suppl., 7199. Acts 1915, 1931, 1935; Burns, 1939 suppl., 29-516; Baldwin, 1935 suppl., 7202. Acts 1933; Burns 29-1807; Baldwin 11639.

The prosecuting attorney is a judicial officer. State *ex rel.* Freed v. Circuit Court (1938), 214 Ind. 152, N. E. (2d) 910; State *ex rel.* Spencer v. Criminal Court (1938), 214 Ind. 551, 15 N. E. (2d) 1020.

<sup>19</sup> Acts 1915, 1939; Burns, 1939 suppl., 29-532; Baldwin, 1939 suppl., 7218.

are appointed in the same manner in which they are appointed for general elections. Each of these officials is allowed \$3 per day for his services rendered in connection with a primary election.<sup>20</sup> The board of primary election commissioners may employ all necessary clerical assistants.<sup>21</sup>

The statutory provisions governing the manner of conducting general elections apply to all primary elections.<sup>22</sup> All expenses of conducting primary elections are paid from public funds.<sup>23</sup>

Certificates and petitions of nominations, ballots (cast and uncast), and tally papers at primary elections are filed in the office of the clerk of the circuit court where they are preserved for 6 months and are then destroyed, unless litigation requires preservation for a longer time.<sup>24</sup>

326. [PRIMARY ELECTION RECORD], 1916-. In Record of Election, entry 329.

Record of elections, including:

- i. Minutes of meetings of board of primary election commissioners, showing same information as in entry 329i.
- ii. Sample ballots and record of ballots printed, distributed and returned, showing same information as in entry 329ii.

327. RECORD OF ABSENT VOTER'S BALLOTS [Primary], 1913-26. 2 vols. (1, 2). Discontinued.

Record of ballots cast by absent voters, showing name and address of elector, address to which ballot is mailed, dates ballot mailed, marked and returned, name of township, and ward and precinct numbers. Also contains: Record of Absent Voter's Ballots [General], entry 330. Arr. by twps. or ward and precinct nos. Indexed by twps. and precinct and ward nos. Hdw. 300 pp. 12 x 16 x 2. Clk. rec. rm.

<sup>20</sup> Acts 1915, 1917; Burns 29-505, 29-507, 29-519; Baldwin 7191, 7193, 7205. Acts 1929, 1933; Burns 29-804 to 29-807; Baldwin 7093 to 7096. *Finerty v. Bryan* (1938), 214 Ind. 570, 16 N. E. (2d) 882. See the essay entitled "County Board of Election Commissioners."

<sup>21</sup> Acts 1915, 1915, 1917; Burns 29-504; Baldwin 7190.

<sup>22</sup> Acts 1915; Burns 29-556, 29-559; Baldwin 7242, 7244.

<sup>23</sup> Acts 1915; Burns 29-534; Baldwin 7220. Acts 1933; Burns 29-1805; Baldwin 11637.

<sup>24</sup> Acts 1915, 1917; Burns 29-525; Baldwin 7211. Acts 1889; Burns 29-1009; Baldwin 7113.

Acts 1915; Burns 29-1304; Baldwin 7456. Acts 1911; Burns 29-2510; Baldwin 7447.

## XVIII. COUNTY BOARD OF CANVASSERS

## LEGAL STATUS

The board of canvassers of Monroe County exists under the mandatory provisions of an act of 1905, as amended in 1927. The county board which controls the holding of an election (board of primary election commissioners or county board of election commissioners) must also serve as the county board of canvassers at that election.<sup>1</sup> The board elects its own chairman, and the clerk of the circuit court acts as its clerk.<sup>2</sup>

Before 1843 the election judges and inspectors canvassed the votes and certified the results of the election.<sup>3</sup> The board of canvassers, established in 1843, consisted of the inspectors from the several townships, who selected one of its members as chairman. The clerk of the circuit court served as clerk. This board was continued until 1905.<sup>4</sup>

## FUNCTIONS AND RECORDS

Each precinct board of election,<sup>5</sup> after closing the polls in its precinct,<sup>6</sup> views the ballots cast in that precinct; counts those ballots which are legal; rejects those ballots which are illegal; marks on each ballot the word "counted" or the words "not counted"; makes notations as to rulings on protests; lists the number of votes counted in favor of each candidate; lists the number of votes counted for and against proposed constitutional amendments and other questions submitted to the voters for decision; and transmits in sealed bags to the county board of canvassers all ballots cast, ballots uncast, lists, tally papers, memoranda, and certificates.<sup>7</sup>

---

<sup>1</sup> Acts 1905, 1927; Burns 29-1401; Baldwin 7377. See the essays entitled "Board of Primary Election Commissioners" and "County Board of Election Commissioners."

The amendment of 1927 merely added a provision applicable only to Marion County.

<sup>2</sup> Acts 1905; Burns 29-1402; Baldwin 7378.

<sup>3</sup> Acts 1816-17, ch. 9, secs. 11, 12. Acts 1817-18 (general), ch. 15, secs. 11, 12. Rev. Laws 1824, ch. 35, secs. 11, 12. Rev. Laws 1831, ch. 32, secs. 11, 12. Rev. Stat. 1838, ch. 32, secs. 13, 14.

<sup>4</sup> Rev. Stat. 1843, ch. 5, secs. 45-47. 1 Rev. Stat. 1852, ch. 31, secs. 31-33. Acts 1881 (Spec. Sess.), ch. 47, sec. 38.

<sup>5</sup> The organization of the precinct boards is discussed in the essays entitled "Board of Primary Election Commissioners" and "County Board of Election Commissioners."

<sup>6</sup> Acts 1915; Burns 29-520; Baldwin 7206. Acts 1889, 1899; Burns 29-1103; Baldwin 7103.

<sup>7</sup> Primary Elections. Acts 1915, 1917; Burns 29-525; Baldwin 7211.

General elections. Acts 1897, 1901, 1909; Burns 29-1301; Baldwin 7147.

The members of the county board of canvassers are required to assemble at 6 p. m. on the day of each general election, in the courtroom of the circuit court; to canvass and estimate the certificates, poll lists, and tally papers returned by each precinct board of election in the county;<sup>8</sup> to compare and examine the papers entrusted to it; to aggregate and tabulate therefrom all votes cast in the county; and to declare in a certified statement the candidates elected for the county, and each city and township thereof, and the determination of any proposed constitutional amendment or other question submitted to the voters.<sup>9</sup>

In case of a tie vote for any office, the board declares that no person was elected for that office; and the clerk must certify the facts to the tribunal or officer required to fill vacancies in such office, or the clerk must issue a writ of election to fill the office, as the case may require.<sup>10</sup>

In case of a disagreement among the members of the county board of canvassers as to how the vote of any precinct shall be counted, the matter in dispute must be reported immediately to the judge of the circuit court for immediate determination.<sup>11</sup>

The board has full power to send for persons and papers and compel witnesses to testify concerning matters bearing on the proper discharge of the board's duties. The sheriff executes all process and orders directed to him by the board.<sup>12</sup>

The board of canvassers employs necessary clerical as-

---

<sup>8</sup> Acts 1905, 1927; Burns 29-1401; Baldwin 7377.

<sup>9</sup> Acts 1905; Burns 29-1404, 29-1405, 29-1407; Baldwin 7380, 7381, 7383. *Moore v. Kessler* (1877), 59 Ind. 152.

Duty to disregard ballots improperly marked by voters. *Craney v. Traylor* (1938), 214 Ind. 542, 16 N. E. (2d) 845.

Legislators in districts composed of more than one county. Acts 1881 (Spec. Sess.); Burns 29-1503 to 29-1505; Baldwin 7180 to 7182.

Judges, prosecuting attorney, state officers, and federal officers. Acts 1881 (Spec. Sess.); Burns 29-1506 to 29-1509; Baldwin 7183 to 7186.

Constitutional amendments. Const. 1851, art. 16, secs. 1, 2. Acts 1889; Burns 29-1201, 29-1202; Baldwin 7259, 7258. Acts 1911; Burns 29-1203 to 29-1207; Baldwin 7253 to 7257. *In re Todd* (1935), 298 Ind. 168, 193 N. E. 865.

<sup>10</sup> Acts 1905; Burns 29-1406; Baldwin 7382.

Tie vote for state legislators in districts composed of more than one county. Acts 1881 (Spec. Sess.); Burns 29-1505; Baldwin 7182.

<sup>11</sup> Acts 1905; Burns 29-1409; Baldwin 7385.

<sup>12</sup> Acts 1905; Burns 29-1408; Baldwin 7384.



sistants for the proper canvassing and tabulating of votes. Not more than one-half of the clerks employed can be from the same political party, and their compensation must not exceed \$1 per hour.<sup>13</sup>

The canvass of votes in primary<sup>14</sup> and special<sup>15</sup> elections, including votes cast for city<sup>16</sup> and township officers,<sup>17</sup> is made in the same manner as in the general election.

The ballots cast, ballots uncast, certificates, statement of all votes tabulated, canvass sheets, poll books, and tally papers are delivered to the clerk of the circuit court and filed and preserved by him in his office, open to the inspection of any legal voter. These are destroyed after 6 months unless litigation requires longer preservation.<sup>18</sup>

328. [ELECTION RETURNS], 1890-. In Record of Election, entry 329.

Record of number of votes cast, including:

- i. Primary elections, 1916-, showing date of election, names of candidates, elective offices and members of board of canvassers, number of votes cast for each candidate by townships, wards and precincts, and total votes cast.
- ii. General elections, showing same information as in paragraph i.

## XIX. COUNTY BOARD OF ELECTION COMMISSIONERS

### LEGAL STATUS

The board of election commissioners of Monroe County exists under the mandatory provisions of an act of 1889. The board consists of the clerk of the circuit court and two persons appointed by him (one from each of the two major political parties, nominated by their respective county chair-

<sup>13</sup> Acts 1920 (Spec. Sess.); Burns 29-913; Baldwin 7158.

<sup>14</sup> Acts 1915, 1917; Burns 29-525; Baldwin 7211. Acts 1915; Burns 29-560; Baldwin 7245.

<sup>15</sup> Acts 1889; Burns 29-1611; Baldwin 7169. Acts 1881 (Spec. Sess.); Burns 29-1704; Baldwin 7249.

<sup>16</sup> Acts 1889, 1891; Burns 29-1612; Baldwin 7170. Acts 1933; Burns 29-1803, 29-1807; Baldwin 11635, 11639.

<sup>17</sup> Acts 1933; Burns 29-1903; Baldwin 7252.

<sup>18</sup> Acts 1915; Burns 29-1204; Baldwin 7456. Acts 1905; Burns 29-1404; Baldwin 7380.

men).<sup>1</sup> The appointed members must be electors of the county at the time of their appointment, must have been inhabitants thereof throughout the preceding year, must reside within the county after their appointment,<sup>2</sup> must serve as members of the county board of canvassers, and must take an oath to support the state and federal constitutions and faithfully discharge their duties.<sup>3</sup> Each member of the board is allowed \$125 for his services at any general or special election.<sup>4</sup>

For sufficient legal grounds any member of the county board of election commissioners may be removed from office by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by oath of any person; and such removal is subject to review by the supreme court.<sup>5</sup> If any member is convicted of a felony the judgment of conviction must declare his office vacant.<sup>6</sup> The clerk of the circuit court fills vacancies as to members appointed by him.<sup>7</sup>

With the organization of Monroe County in 1818<sup>8</sup> the board of county commissioners laid off townships<sup>9</sup> and appointed an inspector of elections in each.<sup>10</sup> Blank forms of poll books and election returns were delivered by the sheriff to these inspectors before the election.<sup>11</sup> After 1831 the inspectors were elected by the voters of the township;<sup>12</sup> and

---

<sup>1</sup> Acts 1889; Burns 29-1002; Baldwin 7109.

<sup>2</sup> Const. 1851, art. 6, secs. 4, 6.

<sup>3</sup> *Ibid.*, art. 15, sec. 4. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054. See the essays entitled "Board of Primary Election Commissioners" and "County Board of Canvassers."

For the eligibility, election, term, oath, and bond of the clerk of the circuit court, see the essay entitled "Clerk of the Circuit Court."

<sup>4</sup> Acts 1935; Burns, 1939 suppl., 29-1014; Baldwin, 1935 suppl., 7109-1.

Mandamus to compel appropriation for compensation. *Blue v. State ex rel. Powell* (1936), 210 Ind. 486, 1 N. E. (2d) 122.

<sup>5</sup> Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

<sup>6</sup> Acts 1897, 1899; Burns 49-834; Baldwin 13050.

<sup>7</sup> Acts 1915, 1917; Burns 29-504; Baldwin 7190.

See the essay entitled "Clerk of the Circuit Court" for vacancy in the office of clerk.

<sup>8</sup> Acts 1817-18 (special), ch. 6, sec. 1.

<sup>9</sup> Acts 1817-18 (general), ch. 17, sec. 2.

<sup>10</sup> Acts 1816-17, ch. 9, sec. 1. Acts 1817-18 (general), ch. 15, sec. 1; ch. 17, sec. 3. Rev. Laws 1824, ch. 35, sec. 1.

<sup>11</sup> Acts 1816-17, ch. 9, sec. 1. Acts 1817-18 (general), ch. 15, sec. 1. Rev. Laws 1824, ch. 35, sec. 1.

<sup>12</sup> Rev. Laws 1831, ch. 20, sec. 20.

after 1852 the clerk of the circuit court delivered to the sheriff a certificate showing which offices were to be filled at the election. The sheriff posted a copy of this certificate at the usual places of holding elections, published it in some newspaper of the county, and delivered a copy to each township clerk<sup>13</sup> or trustee.<sup>14</sup> The board of county commissioners designated the precincts,<sup>15</sup> and furnished supplies (including ballot boxes but not ballots).<sup>16</sup> After 1881 the auditor furnished printed forms (but not ballots)<sup>17</sup> and the board of county commissioners furnished the ballot boxes.<sup>18</sup> Before 1889 voting was by ballot furnished by the voter.<sup>19</sup> The president of the board of township trustees from 1853 to 1859<sup>20</sup>—the township trustee since 1859—served ex officio as inspector of elections<sup>21</sup> in the precinct in which he resided,<sup>22</sup> and the board of county commissioners appointed inspectors in all additional precincts.<sup>23</sup> The election board of the precinct was composed of the inspector, election judges, and poll clerks. The judges were appointed by the inspector, and the clerks were appointed by the inspector and judges.<sup>24</sup> After 1881 they were chosen from the two political parties casting the highest number of votes in the last preceding general election.<sup>25</sup>

Indiana, in 1839, was one of the first states to adopt the Australian ballot—an official ballot printed at public expense by public officers and distributed at the polls by the election officers. The board of election commissioners

---

<sup>13</sup> 1 Rev. Stat. 1852, ch. 31, sec. 2.

<sup>14</sup> Acts 1881 (Spec. Sess.); Burns 29-702; Baldwin 7082.

<sup>15</sup> 1 Rev. Stat. 1852, ch. 31, sec. 3. Acts 1881 (Spec. Sess.), ch. 47, sec. 8.

<sup>16</sup> 1 Rev. Stat. 1852, ch. 31, secs. 11, 12.

<sup>17</sup> Acts 1881 (Spec. Sess.), ch. 47, sec. 13.

<sup>18</sup> *Ibid.*, sec. 18.

<sup>19</sup> Const. 1816, art. 6, sec. 2. Const. 1851, art. 2, sec. 13. Acts 1816-17, ch. 9, secs. 6-8, 11. Acts 1817-18 (general), ch. 15, sec. 8. Rev. Laws 1824, ch. 35, secs. 6-8, 11. Rev. Laws 1831, ch. 32, secs. 6-8, 11. Rev. Stat. 1833, ch. 32, secs. 6-8, 13. Rev. Stat. 1843, ch. 5, secs. 30-33, 40, 41, 44. 1 Rev. Stat. 1852, ch. 31, sec. 17. Acts 1881 (Spec. Sess.), ch. 47, sec. 23.

<sup>20</sup> 1 Rev. Stat. 1852, ch. 31, sec. 3.

<sup>21</sup> Acts 1859; Burns 65-105; Baldwin 16065. *Holmes v. Board of County Comrs.* (1922), 78 Ind. App. 206, 135 N. E. 154.

<sup>22</sup> Acts 1881 (Spec. Sess.), ch. 47, sec. 10.

<sup>23</sup> 1 Rev. Stat. 1852, ch. 31, sec. 4.

<sup>24</sup> Acts 1817-18 (general), ch. 15, sec. 2. 1 Rev. Stat. 1852, ch. 31, sec. 4.

<sup>25</sup> Acts 1881 (Spec. Sess.), ch. 47, secs. 11, 12.

was established to prepare, print, and distribute the ballots and otherwise administer the election laws of the county.<sup>26</sup>

#### FUNCTIONS AND RECORDS

The constitution fixes the date of general elections as the 1st Tuesday after the 1st Monday in November,<sup>27</sup> and an act of the general assembly provides that they be conducted biennially in the even-numbered years.<sup>28</sup> At least 20 days before the election the clerk of the circuit court makes a certificate stating which offices are to be filled at the election. Fifteen days before the election the sheriff delivers a copy of this certificate to each township trustee in the county, posts a copy at each usual place of holding such elections in the county, and causes one publication of the same in a newspaper printed in the county.<sup>29</sup> The constitution further provides that all elections by the people must be by ballot.<sup>30</sup> This provision does not prevent the use of voting machines<sup>31</sup> (to be provided by the board of county commissioners).<sup>32</sup>

The board of county commissioners establishes the precincts<sup>33</sup> and provides all polling places and ballot boxes<sup>34</sup> and the auditor furnishes blank poll books and other forms to the inspectors.<sup>35</sup>

The county board of election commissioners supervises general elections.<sup>36</sup> The state board of election commissioners prepares and distributes to the county clerks the ballots

<sup>26</sup> Acts 1889, ch. 87, secs. 18, 26.

<sup>27</sup> Const. 1851, art. 2, sec. 14 (as amended in 1881).

<sup>28</sup> Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081.

<sup>29</sup> Acts 1881 (Spec. Sess.); Burns 29-702; Baldwin 7082. *Parmater v. State ex rel. Drake* (1884), 102 Ind. 90, 3 N. E. 382.

<sup>30</sup> Const. 1851, art. 2, sec. 13.

Marking of ballots by voters. *Craney v. Traylor* (1938), 214 Ind. 542, 16 N. E. (2d) 845.

<sup>31</sup> *Spickerman v. Goddard* (1914), 182 Ind. 523, 107 N. E. 2.

<sup>32</sup> Acts 1920 (Spec. Sess.); Burns 29-903; Baldwin 7148. Acts 1901, 1903; Burns 29-2404; Baldwin 7352.

<sup>33</sup> Acts 1889; Burns 29-801; Baldwin 7089. Acts 1920 (Spec. Sess.); Burns 29-901; Baldwin 7091.

<sup>34</sup> Acts 1920 (Spec. Sess.); Burns 29-909; Baldwin 7154. Acts 1897; Burns 29-1121; Baldwin 7135.

<sup>35</sup> Acts 1889; Burns 29-808; Baldwin 7097.

<sup>36</sup> Acts 1889; Burns 29-1116, 29-1117, 29-1119, 29-1120; Baldwin 7130, 7131, 7133, 7134. Acts 1903; Burns 29-2407; Baldwin 7355. Acts 1901; Burns 29-2410, 29-2426, 29-2428; Baldwin 7358, 7374, 7376.



for federal offices and for offices and questions to be voted on by the voters of the whole state. The county board of election commissioners prepares and distributes all other ballots used in the county (except for town elections).<sup>37</sup> Candidates nominated by convention or primary election by parties casting one-half of 1 percent of the total vote of the state at the last preceding general election, and whose nominations have been duly certified to the clerk of the circuit court, are placed on the ballot under their respective party emblems. Candidates' names may be placed on the ballot by the petition of the required number (one-half of 1 percent of the total vote cast in the last preceding general election in the county) of qualified electors.<sup>38</sup> Political parties may be barred from the ballot if they advocate the overthrow, by force or violence, of the local, state, or national government. New parties must file, with the election commissioners in charge of the ballot or ballots on which they wish to appear, an affidavit declaring that they do not advocate such an overthrow.<sup>39</sup>

In each precinct there is a "precinct board of election" composed of one inspector and two election judges. The election is conducted by these boards. Each precinct board is assisted by two election sheriffs, two poll clerks, and (if necessary) two assistant poll clerks. No person is eligible to membership on a precinct board if he has a wager on the result of the election or is a candidate or a relative of a candidate at that election. The township trustee is *ex officio* inspector in his own precinct. The other inspectors are appointed by the board of election commissioners on nominations made by the county chairman of the party casting the highest number of votes in the county for secretary of state in the preceding election. The election judges, sheriffs, poll clerks, and assistant poll clerks are of opposite political faith and are appointed by the board of election commissioners on nominations made by the county chairmen of the two major political parties.<sup>40</sup> For their services at

---

<sup>37</sup> Acts 1889; Burns 29-1001 to 29-1003; Baldwin 7108 to 7110. Acts 1920 (Spec. Sess.); Burns 29-1107; Baldwin 7121. Acts 1889, 1891, 1907; Burns 29-1109; Baldwin 7124.

Ballot label for voting machines. Acts 1901; Burns 29-2410; Baldwin 7538.

<sup>38</sup> Acts 1897, 1919, 1933; Burns 29-1106; Baldwin 7120. Acts 1920 (Spec. Sess.); Burns 29-1107; Baldwin 7121. Board of Election Comrs. v. State *ex rel.* Sides (1897), 148 Ind. 675, 48 N. E. 226; State *ex rel.* Gann v. Board of Election Comrs. (1906), 167 Ind. 276, 78 N. E. 1016.

<sup>39</sup> Acts 1935; Burns, 1939 suppl., 29-1015; Baldwin, 1937 suppl., 7120-1.

<sup>40</sup> Acts 1929, 1933; Burns 29-804; Baldwin 7693. Acts 1929; Burns 29-805 to 29-807; Baldwin

general elections the precinct election officials are compensated as follows: Each appointed inspector, \$8; each election judge, \$5; each poll clerk, \$5; each assistant poll clerk, \$5; and each election sheriff, \$3. The township trustee receives no compensation for his services as election inspector.<sup>41</sup> Each political party may appoint one challenger and one poll-book holder for each precinct, and must pay each of them compensation not exceeding \$3. These employees receive no compensation from public funds.<sup>42</sup>

Since 1933 city<sup>43</sup> and township<sup>44</sup> elections have been held at the time of the general election. They are under the supervision of the county board of election commissioners,<sup>45</sup> as are all special elections.<sup>46</sup>

Elections are open from 6 o'clock in the forenoon until 4 o'clock in the afternoon, after which time the precinct election board may close the election in any precinct at any time when all the electors of that precinct have voted or when 15 minutes have passed without a vote having been cast in that precinct. Elections are open until 6 o'clock in the afternoon unless previously closed as aforesaid.<sup>47</sup> All pencils used in marking the ballots must be destroyed before the counting of ballots begins.<sup>48</sup>

The board has full power to send for persons and papers and compel witnesses to testify concerning matters bearing on the proper discharge of the board's duties. The sheriff serves all process in county elections and obeys orders of the board.<sup>49</sup>

Records of all general elections are placed in sealed bags and filed in the office of the clerk of the circuit court for preservation as provided by statute.<sup>50</sup>

---

<sup>41</sup> Acts 1920 (Spec. Sess.), 1933; Burns 29-910; Baldwin 7155. *Holmes v. Board of County Comrs.* (1922), 78 Ind. App. 206, 135 N. E. 154.

<sup>42</sup> Acts 1929; Burns 29-806; Baldwin 7095.

<sup>43</sup> Acts 1889, 1891; Burns 29-1612; Baldwin 7170. Acts 1933; Burns 29-1801; Baldwin 11632.

<sup>44</sup> Acts 1933, 1935; Burns, 1939 suppl., 29-1901; Baldwin 1935 suppl., 7250.

<sup>45</sup> Acts 1933; Burns 29-1803; Baldwin 11635.

<sup>46</sup> Acts 1889; Burns 29-1611; Baldwin 7169. Acts 1881; Burns 29-1704; Baldwin 7249.

<sup>47</sup> Acts 1915; Burns 29-520; Baldwin 7206. Acts 1889, 1899; Burns 29-1103; Baldwin 7103.

<sup>48</sup> Acts 1915; Burns 29-1305; Baldwin 7457.

<sup>49</sup> Acts 1905; Burns 29-1408; Baldwin 7384.

<sup>50</sup> Rev. Laws 1824, ch. 35, sec. 14. Acts 1920 (Spec. Sess.); Burns 29-912; Baldwin 7157. Acts 1889; Burns 29-1009; Baldwin 7113. Acts 1915; Burns 29-1304; Baldwin 7456. Acts 1911, 1913, 1915; Burns 29-2508; Baldwin 7445. Acts 1911; Burns 29-2510; Baldwin 7447. *State ex rel. Kollmeyer v. Baker* (1932), 204 Ind. 18, 182 N. E. 537.

## 329. RECORD OF ELECTION, 1890-. 2 vols. (1, 2).

Record of elections, including:

- i. Minutes of meetings of board of election commissioners, showing date and place of meeting, names of members present, subjects of business discussed, and action taken. Arr. chron. by dates of meetings.
- ii. Sample ballots and record of ballots printed, distributed and returned in general elections, showing dates of election and certification of inspector, names of candidates, inspector, election commissioners and township, ward and precinct numbers, and number of ballots printed, distributed and returned. Arr. chron. by dates of elections.

Also contains: [Primary Election Record], 1916-, entry 326; [Election Returns], entry 328. No index. Hdw. and typed. 300 pp. 18 x 12 x 2½. Clk. rec. rm.

330. RECORD OF ABSENT VOTER'S BALLOTS [General], 1918-26.  
In record of Absent Voter's Ballots [Primary], entry 327.

Record of ballots cast by absent voters, showing same information as in entry 327.

## XX. COUNTY BOARD OF EDUCATION

## LEGAL STATUS

The county board of education exists under the mandatory provisions of an act of 1873, as amended in 1877. The board consists of the county superintendent of schools, the township trustees, and the president of the school board of each city and town in the county. Before 1877 all the school trustees of each city and town in the county were also included as members of the board.<sup>1</sup>

---

<sup>1</sup> Acts 1873, 1877; Burns 28-801; Baldwin 5963. Acts 1905, 1915, 1919; Burns 28-1201; Baldwin 5962. *Opinions of the Attorney General of Indiana, 1933*, p. 551.

Section 28-801 aforesaid provides: "The county superintendent [of schools] and the trustees of the townships, and the chairman of the school trustees of each town and city of the county shall constitute a county board of education."

Section 28-1201 aforesaid provides that the common council of each city and the board of trustees of each town shall "elect three school trustees" and that "such trustees shall constitute the school board of the city or town" and that "they shall . . . organize by electing one of their number president, one secretary and one treasurer."

Semiannual meetings of the board are held at the office of the county superintendent of schools on the 1st day of May and September. A majority of the board members constitutes a quorum. The county superintendent presides at the meetings and casts his vote in the same manner as the other members. The board elects a secretary from among its members.<sup>2</sup>

#### FUNCTIONS AND RECORDS

The county board of education considers the general needs of the public schools within the county (including the care of school property and the purchase of school furniture, books, maps, charts, and other supplies), and makes advisory regulations concerning the same (except as to matters expressly covered by law or by a regulation of the Indiana State Board of Education); directs the care and management of township libraries; and adopts textbooks for the schools in the county, except in cities. The state board of education has broad power to adopt textbooks which must be used in all the public schools in the state, but the county board may adopt supplementary textbooks on the same subjects. There are many curricular subjects on which textbooks are not adopted by the state board. No textbooks can be changed by the county board of education within 6 years after its adoption, except by the unanimous vote of all the members of the board.<sup>3</sup>

The county board of education may purchase textbooks from publishers at the net wholesale or contract price and sell them to the pupils at cost, plus the cost of handling the books, not to exceed 20 percent of the cost price, or rent them to the pupils at an annual rental not to exceed 25 percent of the retail price.<sup>4</sup>

Annually the board may appoint a school attendance officer for the county, known as the "county attendance officer." From 1897 to 1913 he was known as the "truant officer." The

---

The cited opinion of the attorney general holds that the language "chairman of the school trustees of each town and city of the county" refers to the president of the town or city school board.

<sup>2</sup> Acts 1873, 1877; Burns 28-801; Baldwin 5983.

If the 1st day of the month is Sunday, the semiannual meeting is held the next day.

*Ibid.*

<sup>3</sup> *Ibid.* Acts 1889, 1909, 1917; Burns 28-601; Baldwin 6675. Interview of February 2, 1940 with Floyd I. McMurray, state superintendent of public instruction.

<sup>4</sup> Acts 1921; Burns 28-614; Baldwin 6692. Acts 1935; Burns, 1939 suppl., 28-638; Baldwin, 1935 suppl., 6692-1.



county superintendent of schools must annually nominate some person to be appointed county attendance officer, and must perform the duties of that office if the board makes no such appointment.<sup>5</sup>

The secretary of the board keeps a complete record of its meetings and proceedings.<sup>6</sup>

381. SECRETARY OF BOARD OF FINANCE [Record of Board of Education], 1931-. 1 vol.

Minutes of meetings of board of education, showing date and place of meeting, names of members present, nature of business discussed, and action taken. Arr. chron. by dates of meetings. No index. Hdw. 175 pp. 16 x 8 x ¼. Supt. off.

## XXI. COUNTY SUPERINTENDENT OF SCHOOLS

### LEGAL STATUS

The office of county superintendent of schools (known as "county superintendent" from 1873 to 1927)<sup>1</sup> exists under the mandatory provisions of an act of 1899, and amendments thereof, which increased the duties of the office as defined in a mandatory law of 1873. The county superintendent of schools is elected for a 4-year term by the township trustees and holds office until his successor is elected and qualified. The election is held in the auditor's office and the auditor acts as clerk of the election. In case of a tie vote the auditor casts the deciding vote.<sup>2</sup> To be eligible for this

---

<sup>5</sup> Acts 1897, ch. 165, sec. 2. Acts 1899, ch. 244, sec. 2. Acts 1901, ch. 209, sec. 2. Acts 1913, ch. 213, sec. 4. Acts 1921, 1922 (Spec. Sess.); Burns 28-501; Baldwin 6693.

Traveling expenses of attendance officer. *Opinions of the Attorney General of Indiana, 1933*, p. 132.

<sup>6</sup> Interview of February 2, 1940 with Floyd I. McMurray, state superintendent of public instruction.

<sup>1</sup> See footnotes 21 and 22 herein.

<sup>2</sup> Acts 1873, ch. 25, secs. 2-4, 6-8. Acts 1899, 1911, 1913; Burns 28-702; Baldwin 5931. State *ex rel.* Nebecker v. Sutton (1884), 99 Ind. 300; State *ex rel.* Laughlin v. Porter (1888), 113 Ind. 79, 14 N. E. 853; State *ex rel.* Williams v. Edwards (1888), 114 Ind. 581, 16 N. E. 627; State *ex rel.* Drummond v. Dillon (1890), 125 Ind. 65, 25 N. E. 136; State *ex rel.* Morris v. McFarland (1893), 149 Ind. 266, 49 N. E. 5.

A township trustee cannot participate in the election if he is a candidate for the office. Horning v. State *ex rel.* Gamble (1888), 116 Ind. 453, 19 N. E. 151. *Opinions of the Attorney General of Indiana, 1933*, p. 229.

office a person must have had 5 years' successful experience as a teacher and must hold a first or second grade superintendent's license.<sup>3</sup> The superintendent must post bond in the amount of \$5,000 (to be approved by and filed with the auditor) and take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.<sup>4</sup>

Statutes provide that the county superintendent of schools shall receive from the county a regular salary of \$2,040 per year, that his salary may be increased by the county council after request therefor by a majority of the township trustees,<sup>5</sup> and that he is to be reimbursed for his traveling expenses (not to exceed \$300 per year).<sup>6</sup> The board of commissioners must provide and furnish an office for the county superintendent and allow and pay all costs incurred by him for postage, stationery, and records required in the performance of his official duties.<sup>7</sup>

The county superintendent of schools is a member and beneficiary of the Indiana State Teachers' Retirement Fund.<sup>8</sup>

<sup>3</sup> Acts 1927, ch. 142, sec. 1. Acts 1935; Burns, 1939 suppl., 28-701; Baldwin, 1935 suppl., 5933-1. Acts 1923; Burns 28-4209; Baldwin 5920.

Residence and citizenship. *State ex rel. Jeffries v. Kilroy* (1892), 86 Ind. 118. *Opinions of the Attorney General of Indiana*, 1907, p. 163; 1929, p. 242; 1938, pp. 89, 236.

<sup>4</sup> Const. 1851, art. 15, sec. 4. Acts 1899, 1911, 1913; Burns 28-702; Baldwin 5931. 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 12057, 13063, 13068.

<sup>5</sup> Acts 1933; Burns 49-1004; Baldwin 7534. Acts 1933, 1939; Burns, 1939 suppl., 49-1014; Baldwin, 1939 suppl., 7544. *Opinions of the Attorney General of Indiana*, 1938, p. 126.

The constitution provides that "the salary of any officer fixed by this constitution or by law" shall not "be increased during the term for which such officer was elected or appointed," and that the general assembly shall not pass local or special laws "in relation to fees or salaries: except that the laws may be so made as to grade the compensation of officers in proportion to the population and the necessary services required." Const. 1851, art. 4, sec. 22; art. 15, sec. 2 (as amended in 1926).

An increase in the compensation of the county superintendent of schools cannot become effective during the term of the incumbent. *Opinions of the Attorney General of Indiana*, 1939, p. 132.

The county superintendent of schools cannot receive compensation while holding over after expiration of his term and after his successor is elected and qualified. *Edington v. Board of County Comrs.* (1938), 105 Ind. App. 156, 13 N. E. (2d) 835.

<sup>6</sup> Acts 1911, ch. 94, sec. 2. Acts 1921, ch. 54, sec. 3. Acts 1935; Burns, 1939 suppl., 28-708; Baldwin, 1937 suppl., 5924.

<sup>7</sup> Acts 1899; Burns 28-707; Baldwin 5946.

<sup>8</sup> Acts 1915, 1921, 1937, 1939; Burns, 1939 suppl., 28-4511; Baldwin, 1939 suppl., 6739.

He cannot conduct or assist in conducting any "private or county normal school in this state" or receive any "pay or emolument from the management of such school."<sup>9</sup> He may serve as a member of the state board of education if appointed to that board by the governor.<sup>10</sup> He is a member of the county board of education and presides at its meetings.<sup>11</sup>

For sufficient legal grounds the county superintendent of schools may be removed from office by the circuit court after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.<sup>12</sup> If the superintendent of schools is convicted of a felony the judgment of conviction must declare his office vacant.<sup>13</sup>

Any vacancy in the office of county superintendent of schools is filled in the manner provided for the election for a full term. The person elected to fill the vacancy must post bond and take oath as was required of his predecessor, and holds office for the unexpired term and until his successor is elected and qualified.<sup>14</sup>

The county superintendent of schools, with the approval of the township trustees, may appoint an assistant. He is employed for such number of days as is necessary, and his compensation is fixed by the township trustees.<sup>15</sup>

An act of 1838 provided for the annual appointment, by the judge of the circuit court, of three county school examiners, to examine common school teachers and certify as to their qualifications.<sup>16</sup> A superseding act of 1843 (repealed in 1852) provided that the school examiners be appointed for indefinite terms.<sup>17</sup> An act of 1852 authorized the state superintendent of public instruction, in person or by deputy, to issue teachers' licenses after an examination of the appli-

---

<sup>9</sup> Acts 1901; Burns 28-716 to 28-718; Baldwin 5954.

<sup>10</sup> Acts 1913; Burns 28-401; Baldwin 5906.

<sup>11</sup> See the essay entitled "County Board of Education."

<sup>12</sup> Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1899; Burns 28-703; Baldwin 5932. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052. *McComas v. Krug* (1879), 81 Ind. 327; *Hafford v. Conover* (1894), 139 Ind. 151, 38 N. E. 328.

<sup>13</sup> Acts 1897, 1899; Burns 49-834; Baldwin 13050.

<sup>14</sup> Acts 1899, 1911, 1913; Burns 28-702; Baldwin 5931.

<sup>15</sup> Acts 1911, 1921; Burns 28-709; Baldwin 5937.

<sup>16</sup> Rev. Stat. 1838, ch. 94 (14), secs. 3, 5, 6, 14, 15.

<sup>17</sup> Rev. Stat. 1843, ch. 15, secs. 133-135 (repealed by 1 Rev. Stat. 1852, ch. 92, sec. 1).

cants.<sup>18</sup> An act of 1853 authorized the board of commissioners to appoint, annually, one to three school examiners for the county, each to serve for a 1-year term. These county school examiners examined applicants for licenses as common school teachers, issued such licenses, kept records of the licenses issued, and made an annual report to the state superintendent of public instruction.<sup>19</sup> Acts of 1861 and 1865, superseding the act of 1853, provided for the appointment of one county school examiner for a 3-year term.<sup>20</sup> An act of 1873 changed the officer's title to "county superintendent," transferred to the township trustees the power of appointment, made the county superintendent more responsible to the state superintendent of public instruction, and gave the county superintendent advisory supervision of the schools of the county.<sup>21</sup> An act of 1927 changed the title of this officer to "county superintendent of schools."<sup>22</sup> An act of 1923 gave the state board of education exclusive jurisdiction to license school superintendents, supervisors, principals, teachers, attendance officers, and all other regular school employees.<sup>23</sup>

#### FUNCTIONS AND RECORDS

The county superintendent of schools is an officer of the public school system of Indiana,<sup>24</sup> and constitutes the medium between the state superintendent of public instruction and the "subordinate school officers and the schools."<sup>25</sup>

The county superintendent exercises general supervision of the schools in Monroe County which are not within incorporated cities and towns;<sup>26</sup> carries out the orders of the state board of education and the state superintendent of public instruction; visits the schools in session, at least once each year, for the purpose of increasing their usefulness and

---

<sup>18</sup> 1 Rev. Stat. 1852, ch. 98, sec. 35.

<sup>19</sup> Acts 1853, ch. 106, secs. 6-8.

<sup>20</sup> Acts 1861, ch. 41, secs. 32, 33. Acts 1865, ch. 1, secs. 33-43.

<sup>21</sup> Acts 1873, ch. 25, secs. 2-4.

<sup>22</sup> Acts 1927, ch. 142, secs. 1, 2. Acts 1935, ch. 258, secs. 1, 2.

<sup>23</sup> Acts 1923; Burns 28-4201 to 23-4217; Baldwin 5912 to 5928. Interview of November 14,

1939 with Floyd I. McMurray, state superintendent of public instruction.

<sup>24</sup> State *ex rel.* Osborn v. Eddington (1935), 208 Ind. 160, 195 N. E. 92.

<sup>25</sup> Acts 1899; Burns 28-704; Baldwin 5938.

<sup>26</sup> Acts 1899; Burns 28-704, 28-705; Baldwin 5938, 5940. Acts 1873; Burns 28-1401; Baldwin



raising their scholastic standards as uniformly as practicable;<sup>27</sup> obtains the aid of the county agricultural agent in giving practical education in agriculture and domestic science;<sup>28</sup> cooperates with the state board of education in carrying out the provisions of the law requiring the teaching of the nature of alcoholic drinks and narcotics and their effects on the human system;<sup>29</sup> provides for the examination of applicants for graduation from the common and high schools of the townships, districts, and towns, and furnishes the certificates of graduation; and attends commencements of the common and high schools of the townships and towns.<sup>30</sup>

The county superintendent keeps a complete record of licenses held by the school teachers, county attendance officer, and other regular school employees working in the county (other than those of town and city schools);<sup>31</sup> reports to the school corporations as to teachers' preparation, experience, and licenses before they are employed;<sup>32</sup> conducts teachers' meetings and institutes;<sup>33</sup> notifies teachers of their "duties and obligations" under the law concerning teachers' pensions; shall have these "duties and obligations" stipulated in the teachers' contracts; and reports to the Board of Trustees of the Indiana State Teachers' Retirement Fund information needed by that board for the administration of the retirement fund.<sup>34</sup>

The county superintendent of schools annually nominates a county attendance officer to be appointed by the county board of education; serves as such attendance officer if one is not appointed, in which event the county superintendent may designate one or more teachers to serve as assistant attendance officers; supervises the work of the county attendance officer; authorizes or prosecutes legal proceedings for

---

<sup>27</sup> Acts 1921; Burns 28-305; Baldwin 5939. Acts 1899; Burns 28-704; Baldwin 5938.

<sup>28</sup> Acts 1913, 1923, 1927, 1937; Burns, 1939 suppl., 28-4911; Baldwin 6457.

<sup>29</sup> Acts 1933; Burns 28-3410; Baldwin 6021.

<sup>30</sup> Acts 1899; Burns 28-706; Baldwin 5942.

<sup>31</sup> This record shows the kind and grade of licenses, the success grades, the date of first employment, and monthly or annual salary. Acts 1923; Burns 28-4217; Baldwin 5928.

<sup>32</sup> Acts 1927, 1933; Burns 28-4309; Baldwin 6005.

<sup>33</sup> Acts 1865, ch. 1. secs. 159-161. Acts 1899; Burns 28-704, 28-706; Baldwin 5938, 5942. Acts 1907, 1929, 1932; Burns 28-4401, 28-4402; Baldwin 6723, 6725.

<sup>34</sup> These reports must show the teachers' pension account numbers and such other information as is required by the pension board. Acts 1915, 1921, 1937, 1939; Burns, 1939 suppl., 28-4511(g); Baldwin, 1939 suppl., 6739(g).

the enforcement of the school attendance laws;<sup>35</sup> issues work permits and absence permits for children;<sup>36</sup> and arranges for examination of children by physicians and other experts as a basis for the establishment of special classes for children who are physically handicapped or mentally retarded, and those regarded as "problem children."<sup>37</sup>

The county superintendent authorizes the removal and relocation of township school buildings;<sup>38</sup> acts with the county assessor and auditor in determining the value of school buildings and equipment to be purchased by a township from a school town;<sup>39</sup> appoints depository merchants and dealers for the sale of school books;<sup>40</sup> and joins with each township trustee in making regulations concerning the free use of school books in the several school libraries.<sup>41</sup>

The county superintendent examines and verifies certificates, presented by township trustees, for aid from the state common school relief fund;<sup>42</sup> receives from the township trustees and the school trustees of cities and towns copies of their reports to the board of commissioners concerning "special school revenue" and the "school revenue for tuition;"<sup>43</sup> reports to the county auditor the basis for the apportionment of school revenues;<sup>44</sup> receives semiannual reports from the county auditor showing the precise amount of "school revenue for tuition" in the county ready for apportionment and distribution;<sup>45</sup> shall cause the interest on the common school fund to be apportioned, and the proper warrants are issued in case of "loss of any school fund or revenue"

<sup>35</sup> Acts 1921, 1932 (Spec. Sess.); Burns 28-501, 28-502; Baldwin 6693, 6694.

<sup>36</sup> Acts 1921, 1929; Burns 28-505, 28-519; Baldwin 6698, 6712.

Mental unfitness. In re Morton (1922), 79 Ind. App. 5, 137 N. E. 62.

<sup>37</sup> Acts 1927; Burns 28-3502; Baldwin 6077.

<sup>38</sup> Acts 1893; Burns 28-2701; Baldwin 6104.

<sup>39</sup> Acts 1919; Burns 28-1209; Baldwin 6247.

<sup>40</sup> Acts 1907, 1913; Burns 28-610; Baldwin 6681.

The county superintendent cannot "deal in school books in his official capacity." Acts 1907; Burns 28-611; Baldwin 6682.

<sup>41</sup> Acts 1935; Burns, 1939 suppl., 28-628; Baldwin, 1935 suppl., 6677-5.

<sup>42</sup> Acts 1921, ch. 201, secs. 4, 5. Acts 1931, ch. 163, secs. 4, 5, 13. Acts 1933, ch. 167, sec.

12. Acts 1933; Burns 28-903, 28-904; Baldwin 6433, 6434.

<sup>43</sup> These reports are made annually unless the board of commissioners requires that they be made more often. Acts 1865, 1873, 1883; Burns 28-2412; Baldwin 6498.

<sup>44</sup> Acts 1865; Burns 28-715; Baldwin 5949.

<sup>45</sup> Acts 1865, 1873, 1837; Burns 28-1009; Baldwin 6486.

or "a deficit of interest of any school fund;"<sup>46</sup> and inspects the official dockets, records, and books of accounts of the clerks of courts, county auditor, board of commissioners, justices of the peace, prosecuting attorney, mayors of cities, and township and school trustees to ascertain if any of said officers have neglected to collect and pay to the school funds any revenues belonging to such funds, and he institutes judicial proceedings when such neglect is found.<sup>47</sup>

The county superintendent appoints three members of the county library board. He also appoints two members of any city library board which receives aid from the county.<sup>48</sup> From 1919 until 1935 he annually awarded two scholarships to Indiana University.<sup>49</sup>

The county superintendent hears and decides appeals from township trustees concerning "the legality of school meetings," the establishment of schools, the location, building, repair, or removal of schoolhouses, the "transfer of persons for school purposes," the transfer of pupils from one school corporation to another, the transportation of such transferred pupils to and from school, the resignation and dismissal of teachers, and other school matters.<sup>50</sup> He casts the deciding vote in case of a tie vote concerning the management and control of any high school operated jointly by two or more school corporations in the county.<sup>51</sup> In many cases his acts and decisions are reviewable on appeal to the state superintendent of public instruction.<sup>52</sup>

---

<sup>46</sup> Acts 1873, 1875; Burns 28-711; Baldwin 5951. Acts 1865; Burns 28-715; Baldwin 5949.

<sup>47</sup> Acts 1873; Burns 28-712; Baldwin 5950. *Moore v. State ex rel. Denny*, 55 Ind. 360; *Nichols v. State ex rel. Clark* (1879), 65 Ind. 512; *Carr v. State ex rel. Attorney General* (1882), 81 Ind. 342.

The county superintendent cannot enjoin school trustees from unlawfully paying out school funds. *McGreggor v. State ex rel. Ballard* (1903), 31 Ind. App. 483, 68 N. E. 315.

<sup>48</sup> Acts 1917, 1921, 1927, 1939; Burns, 1939 suppl., 41-510, 41-514; Baldwin, 1939 suppl., 10321, 10325.

<sup>49</sup> Acts 1919, ch. 185, sec. 1. Acts 1935, ch. 45, sec. 1.

<sup>50</sup> Acts 1839; Burns 28-704; Baldwin 5938. Acts 1865; Burns 28-2405; Baldwin 5952. Acts 1901; Burns 28-3705; Baldwin 6226. Acts 1835; Burns, 1939 suppl., 28-3718; Baldwin, 1935 suppl., 6222-2. Acts 1917; Burns 28-3801; Baldwin 6271. *State ex rel. Stewart v. Miller* (1923), 193 Ind. 492, 141 N. E. 60; *Brumfield v. State ex rel. Wallace* (1934), 206 Ind. 647, 190 N. E. 863.

*Opinions of the Attorney General of Indiana, 1938*, p. 362.

<sup>51</sup> Acts 1911, 1915; Burns 28-2652; Baldwin 6171.

<sup>52</sup> Acts 1839; Burns 28-704; Baldwin 5938. Acts 1865; Burns 28-2405, 28-2407; Baldwin 5952,

The county superintendent receives annual statistical reports from township trustees and the school trustees of cities and towns;<sup>53</sup> cooperates in the examination of schools by inspectors of the state board of education; makes reports as required by such inspectors;<sup>54</sup> and makes annual reports to the state superintendent of public instruction concerning the enumeration and average daily attendance of school children, the condition of the schools and schoolhouses, the progress of education, and such additional statistics and information as is required by the state superintendent.<sup>55</sup>

### REPORTS

#### 332. AUDITORS' REPORTS, 1901-. 1 f. b.

Copies of auditor's semi-annual reports to state superintendent of public instruction of distribution of school revenue, showing date of report, name of school corporation, total amount of revenue available for distribution, and amount apportioned to each school corporation. Arr. chron. by dates of reports. No index. Hdw. 12 x 4 x 14. Supt. rec. rm.

#### 333. MISCELLANEOUS [Statistical and Financial Reports], 1921-. 1 f. d. 1865-93 in County Superintendent's Reports, entry 344.

Copies of county superintendent's statistical and financial reports to state superintendent of public instruction, showing date of report, name of township or school corporation, amounts of receipts and disbursements, nature of expenditures, total operating cost, number of pupils enrolled, total daily attendance, number of employees, amount of salaries, rate of school tax, and total assessed valuation of school property. Arr. chron. by dates of reports. No index. Hdw. 12 x 12 x 36. Supt. off.

#### 334. INSPECTION REPORTS, 1922-. 2 f. d.

Copies of state school inspector's reports to state superintendent of public instruction, showing date and number of inspection sheet, names of inspector, township or school corporation and school, grades of teaching staff, supervisory and administrative organization, kind of furnishings and equipment, record system, number of promotions and graduations,

---

<sup>53</sup> Acts 1865, 1873, 1883; Burns 23-2414; Baldwin 5974.

<sup>54</sup> Acts 1921; Burns 22-305; Baldwin 5939.

<sup>55</sup> Acts 1865, 1873, 1895; Burns 28-713 to 28-715; Baldwin 5947 to 5949. Acts 1865, 1893, 1932

(Spec. Sess.), 1933; Burns 22-1013; Baldwin 6490.



program of studies, schedule of inspection, ratings given, and recommendations made. Arr. alph. by names of twps. No index. Typed. 12 x 12 x 36. Supt. off.

335. [AUDITOR'S REPORT OF DISTRIBUTION OF SCHOOL REVENUE], 1930-. 1 f. d.

Copies of auditor's reports to county superintendent of schools on distribution of school revenue, showing dates of report and period covered, name of township or school corporation, enumeration of pupils in each school unit, amount of common school and Congressional Township school revenue, local taxes and intangible tax for school purposes, total for each township or school corporation, total for county, and average daily attendance of pupils in each school unit. Arr. chron. by dates of reports. No index. Hdw. 12 x 12 x 36. Supt. off.

336. [TRUSTEES' REPORTS TO SUPERINTENDENT], 1930-. 1 f. d. Annual reports of school trustees to county superintendent, showing dates of report and period covered, names of school unit, trustee and funds, amounts of receipts and disbursements, balance in each fund, and amount of school corporation indebtedness. Arr. alph. by names of school units. No index. Typed. 12 x 12 x 36. Supt. off.

337. STATE AID APPROVALS, 1930-. 2 f. d. (dated).

Statistical reports for establishment of basis for distribution of state aid, including:

- i. Cost of teachers, showing name and number of district, number of pupils enrolled, average daily attendance, grades represented, number of teachers and rooms, and per capita cost.
- ii. Cost of transportation, showing name of driver, name and number of route, kind of roads, miles of route, reason of award to successful bidder, length of bus body, number of pupils transported, salary of driver, and cost per pupil.
- iii. Cost of transfers of pupils, showing names of townships or school corporations, transfers in or out, length of school term, cost per capita, and total.
- iv. Cost of fuel, showing name and number of district, number of rooms, stoves, heaters or furnace, cost per fuel unit, number of fuel units used previous year, amount of freight and hauling, and total cost.
- v. Cost of janitor, showing name and number of district, kind of heating equipment, and monthly salary.

- vi. Cost of supplies, showing kind, quantity and cost.
- vii. Cost of reference books, showing kind, price, number needed, and amount allowed.
- viii. Cost of equipment, showing kind and number of units on hand, kind and number needed, and estimated cost.
- ix. Cost of repairs, showing name and number of rooms to be repaired, kind of repairs needed, cost per room, and amount of allowance.

Arr. alph. by names of twps. No index. Hdw. 12 x 12 x 36. Supt. off.

338. [TEACHERS' REPORTS], 1931-. 5 vols.

Record of principals' annual reports to county superintendent of schools of scholarship and attendance record of pupils, showing date of report, names of township, school, teachers, pupils and principal, and data concerning attendance and grades of pupils. Arr. chron. by dates of reports. No index. Hdw. 600 pp. 14 x 9 x 3. Supt. off.

339. FINANCIAL REPORTS, 1931-. 3 f. d.

Annual statistical and financial reports of school trustees to county superintendent of schools, showing date of report, names of city, town or township and trustee, number of employees and amount of wages, enrollment of pupils, assessed valuation of school property, mileage and cost of pupils' transportation, itemized statement of assets and liabilities, and net valuation of school property. Arr. chron. by dates of reports. No index. Hdw. and typed. 12 x 12 x 24. Supt. off.

340. [MONTHLY ATTENDANCE REPORTS], 1933-. 4 vols., 1 f. d.

Copies of teachers' monthly attendance reports, showing date of report, names of teacher, township and school, names, ages, grades and sex of pupils, data on pupils received, transferred and withdrawn during month, statements on pupils' absence and tardiness, and total attendance. Arr. chron. by dates of reports. No index. Hdw. Vols., 1,500 pp. 18 x 12 x 10; f. d., 12 x 12 x 36. 4 vols., 1933-38, supt. vt.; 1 f. d., 1939-, supt. off.

341. [TRANSPORTATION], 1933-. 1 f. b.

Instruments relative to transportation of children to and from school, including:

- i. Reports on bids, showing date of receiving bid, names of bidder, route, township and advisory board members, route number, rate per day, name of successful bidder for each route, reason for awarding contract, and name and address of trustee.

- ii. School bus driver's transportation report to county superintendent of schools, showing date of report, names of township and family heads, number of children transported to elementary and high schools and total for each family, route number and length, rate per day, maximum number of children on bus at one time, maximum length of time any child on bus, and name and address of driver.

Arr. alph. by names of twps. No index. Typed. 12 x 4 x 14. Supt. off.

342. RECORD OF COUNTY INSTITUTE, 1875-1925. 5 vols.,  
1 f. d.

Minutes of meeting of teachers institutes, showing date and place of meeting, names of teachers attending, program schedule, and financial report. Arr. chron. by dates of meetings. No index. Hdw. Vols., 275 pp. 16 x 11 x 1 $\frac{3}{4}$ ; f. d., 6 x 8 $\frac{3}{4}$  x 12. Supt. off.

343. RECORD OF TEACHERS' EXAMINATIONS, 1878-1923. 10 vols. Discontinued. 1865-77 in County Superintendents' Reports, entry 344.

Record of examinations of applicants for teachers' licenses, showing date of examination, name, age, sex, birthplace, education and teaching experience of applicant, result of examination, type of license, and date issued. Arr. chron. by dates of examinations. No index. Hdw. 275 pp. 16 x 11 x 2. Supt. off.

344. COUNTY SUPERINTENDENT'S REPORTS, 1865-1893. 3 vols.  
Title varies: School Examiner's Record, 1865-78,  
1 vol.

Reports to county superintendent of pupils transferred from other school corporations, showing date of report, names of pupils transferred and parents or guardian, dates of birth and enrollment, amount due, itemized statement of per capita cost, and average daily attendance. Also contains: Miscellaneous [Statistical and Financial Reports], entry 338; Record of Teachers Examinations, 1865-77, entry 343; Teachers' Record, entry 348; [Teachers' Licenses], entry 349; Aggregate Attendance, entry 352; School Enumerations, entry 359. Arr. chron. by dates of reports. No index. Hdw. 355 pp. 18 x 12 x 2. Supt. off.

345. ATTENDANCE OFFICER'S RECORD, 1903-16. 2 vols.

Record of attendance officer's visits to homes of truant children, showing date of visit, names of officer and pupil, and results of visit. Arr. chron. by dates of visits. No index. Hdw. 200 pp. 14 x 9 x 1. Supt. off.

## 346. TRUSTEE'S REPORT OF SCHOOL TEXT-BOOKS SOLD, 1903-9.

1 f. b. Discontinued.

Township trustees' quarterly reports of sales of school text-books, showing date of report, names of trustees, township and publisher, list of books on hand from last report, number received, sold and on hand, unit price, total sales, and amount due each publisher. Arr. chron. by dates of reports. No index. Hdw. 12 x 4 x 14. Supt. rec. rm.

## TEACHERS

## 347. TEACHERS' RECORD &amp; SUCCESS GRADE, 1933-. 1 f. d.

Card record of unemployed licensed teachers, showing name and address of teacher, date, number and kind of license, training and experience, and teaching record. Arr. alph. by names of teachers. No index. Hdw. 10 x 10 x 18. Supt. off.

## 348. TEACHERS' RECORD, 1933-. 1 f. d. 1865-93 in

County Superintendent's Reports, entry 344.

Card record of all teachers employed in county, showing date, number and kind of license, name and address of teacher, place of employment, salary per month, and data on training, experience and teaching history. Arr. alph. by names of teachers. No index. Hdw. 10 x 10 x 18. Supt. off.

## 349. [TEACHERS' LICENSES], 1933-. 1 f. d. 1865-93 in

County Superintendent's Reports, entry 344.

Card record of teachers expired licenses, showing dates of license and expiration, names of teacher and college attended, kind and number of certificate, and data relative to training, experience, employment and membership in teachers' retirement fund. Arr. alph. by names of teachers. No index. Hdw. 10 x 10 x 18. Supt. off.

## 350. SUCCESS GRADES, 1903-36. 3 f. d. Discontinued.

Teachers' success grades schedules, showing date of schedule, name, address and teaching record of teacher, and list of grades awarded in personality, preparation, teaching technique, pupil achievement, management, co-operation, professional attitude, and professional reading. Arr. alph. by names of teachers. No index. Hdw. 12 x 12 x 18. Supt. off.

## PUPILS

## 351. WORK PERMITS, 1917-. 2 f. b.

Copies of work permits issued to pupils, showing date of permit, name, address, age and date of birth of pupil, names of



employer and township, and type of employment. Arr. chron. by dates of permits. No index. Typed. 12 x 4 x 14. Supt. off.

352. AGGREGATE ATTENDANCE, 1932-. 1 f. d. 1865-93 in County Superintendent's Reports, entry 344.

Teachers' reports of aggregate attendance of pupils, showing dates of report and period covered, name or number of school, name of city, town or township, name, address, date of birth and school grade of pupil, number of days present and absent, legal residence inside or outside of local school corporation, and total days of attendance by inside and outside resident pupils. Arr. alph. by names of twps., thereunder chron. by dates of reports. No index. Hdw. 12 x 10 x 36. Supt. off.

353. GRADUATES, 1935-. 1 f. d.

Card record of graduates, including:

- i. Eighth grade final and permanent record, showing dates of entrance and graduation, name, sex, date and place of birth, intelligence and achievement tests, health and school record of pupil, name, occupation and address of parent or person in loco parentis, and names of teacher and school attended.
- ii. High school final and permanent record, showing dates of entrance and graduation, name and birth date of pupil, data on grades attained in subjects carried, intelligence and achievement tests and extra-curricular activities, summary of record, and memoranda of post graduate engagement.

Arr. alph. by names of pupils. No index. Hdw. 10 x 6 x 14. Supt. off.

354. ENROLLMENT, 1936-. 1 f. d.

Card record of enrollment of pupils in elementary and high schools, showing date of enrollment, name, age, sex, birthplace, grade and address of pupil, father's name and occupation, mother's maiden name, and names of school, teacher and school last attended. Arr. by names of schools, thereunder alph. by names of pupils. No index. Hdw. 5 x 36 x 18. Supt. off.

355. ACTIVE SCHOLASTIC RECORDS, 1936-. 4 f. b.

Card record of pupils attending high schools, showing date of enrollment, name, address, age and birthplace of pupil, names of parents or person in loco parentis, teacher and school, subjects carried, grades attained, and memoranda of intelligence and achievement tests. Arr. by names of twps., thereunder alph. by names of pupils. No index. Hdw. 10 x 6 x 18. Supt. off.

## 356. INACTIVE SCHOLASTIC RECORDS, 1936-. 2 f. b.

Card record of high school pupils withdrawing from school before graduation, showing dates of entrance and withdrawal, name, address, age and birthplace of pupil, names of parents or guardian and school attended, subjects carried, grades attained, and reason for withdrawal. Arr. alph. by names of pupils. No index. Hdw. 12 x 4 x 14. Supt. off.

## 357. WITHDRAWAL NOTICES, 1937-. 1 f. d., 1 f. b.

Card record of elementary and high school pupils withdrawing to attend other schools, showing dates of withdrawal and notice, name, date of birth, grade and new address of pupil, names of parents, teacher and former and present schools, attendance record, parents occupation, and monthly grades attained in subjects carried. Arr. alph. by names of pupils. No index. Hdw. F. d., 4 x 36 x 15; f. b., 5 x 4 x 10. 1 f. d., 1937-38, supt. rec. rm.; 1 f. b., 1939-, supt. off.

358. [RECORD OF COMMON SCHOOL GRADUATES], 1894-1925.  
2 vols. Discontinued.

Record of district school graduates, showing dates of entry and graduation, district number, names of township, school and graduate, and general average. Arr. alph. by names of graduates. No index. Hdw. 300 pp. 16 x 12 x 1½. Supt. off.

359. SCHOOL ENUMERATIONS, 1902-31. 29 vols. 1865-93 in  
County Superintendent's Reports, entry 344.

Record of enumeration of school children between 6 and 21 years of age compiled as basis for apportionment of school revenue, showing date of enumeration, name, age, sex, color and birth date of child, name and address of parents or person in loco parentis, school and employment data of each child, names of enumerator, township or school corporation and school trustee, and name or number of school district. Arr. alph. by names of twps. No index. Hdw. 300 pp. 14 x 10 x 3. Supt. off.

## XXII. COUNTY HEALTH OFFICER

## LEGAL STATUS

The office of county health officer exists under the mandatory provisions of an act of 1935 which became effective on January 1, 1938. The county health officer is appointed for a 4-year term by the board of commissioners, with the approval of the Indiana State Board of Health. At the time

of making an appointment the board of commissioners determines whether he shall be a "full-time" officer or a "part-time" officer. He is now a part-time officer. He must be a regularly licensed physician, suitably trained in sanitary science and hygiene,<sup>1</sup> and must take an oath to support the state and federal constitutions and faithfully discharge the duties of his office.<sup>2</sup> His duties are under the supervision of a full-time health officer for the health district composed of the counties of Brown, Lawrence, and Monroe.<sup>3</sup>

The county health officer receives an annual salary in an amount equal to 3 cents for each county resident, exclusive of the residents of any city having a health officer, provided that his salary must be between \$200 and \$1,800 per year. This rate of compensation applies to part-time officers and full-time officers. A part-time county health officer may also serve as part-time city health officer, but his compensation from the two offices cannot exceed \$1,800 per year.<sup>4</sup> With the approval of the board of commissioners and the state board of health he is permitted to receive gifts and other financial assistance from private individuals, private corporations, the state, and the United States.<sup>5</sup>

The health officer may be removed from office by the board of commissioners or the state board of health. Any vacancy in office is filled through appointment by the board of commissioners, with the approval of the state board of health.<sup>6</sup>

Since the early days of the county the board of commissioners has had statutory authority to appoint inspectors of flour, beef, pork, salt, and hay. Tobacco inspectors could be appointed by the board before 1857 and by the judge of the circuit court since 1857.<sup>7</sup>

---

<sup>1</sup> Acts 1935 (effective January 1, 1938); Burns, 1939 suppl., 35-118, 35-122, 35-124; Baldwin, 1935 suppl., 8404-1, 8404-5, 8404-7. Interview of March 1, 1940 with Dr. Verne K. Harvey, director of the state board of health.

<sup>2</sup> Const. 1851, art. 15, sec. 4. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

<sup>3</sup> Acts 1935; Burns, 1939 suppl., 35-125; Baldwin, 1935 suppl., 8404-8. Interview of March 5, 1940 with Dr. Verne K. Harvey, director of the state board of health.

<sup>4</sup> Acts 1935; Burns, 1939 suppl., 35-118, 35-122, 35-124; Baldwin, 1935 suppl., 8404-1, 8404-5, 8404-7. *Opinions of the Attorney General of Indiana, 1938*, p. 17.

<sup>5</sup> Acts 1935; Burns, 1939 suppl., 35-127; Baldwin, 1935 suppl., 8404-10.

<sup>6</sup> Acts 1935; Burns, 1939 suppl., 35-118; Baldwin, 1935 suppl., 8404-1.

<sup>7</sup> Acts 1816-17, ch. 11, sec. 4. Acts 1818-19, ch. 15, sec. 1. Rev. Laws 1824, ch. 109, sec. 4. Rev. Laws 1831, ch. 50, secs. 1-6. Rev. Stat. 1838, ch. 53. Rev. Stat. 1843, ch. 27. 1 Rev. Stat. 1852, ch. 55, sec. 1. 1 Rev. Stat. 1852; Burns 35-1901; Baldwin 9468. Acts 1857; Burns 67-308; Baldwin 9461.

From 1881 to 1909 the board of commissioners constituted, *ex officio*, the county board of health, and annually appointed a secretary who was a physician and served as county health officer. The law provided that the secretary must render medical and surgical services to inmates of the county jail and any other medical services required of him by the board of commissioners.<sup>8</sup> An act of 1891 enlarged the duties of the board.<sup>9</sup> In 1909 the county board of health was abolished and the office of county health commissioner (appointed for a 4-year term by the board of commissioners) was established. This office continued until January 1, 1938, when the act of 1935 (the present law) became effective.<sup>10</sup>

#### FUNCTIONS AND RECORDS

The county health officer protects and supervises the general health and sanitation of the county, except in incorporated cities having a full-time or part-time health officer;<sup>11</sup> enforces the health laws of the state and the rules and regulations of the state board of health;<sup>12</sup> attends meetings of the state board when requested by that board;<sup>13</sup> oversees inspection of food and drugs; endeavors to promote sanitary conditions for the sale of food;<sup>14</sup> condemns buildings unfit for human habitation;<sup>15</sup> sends samples of water to the state laboratory for inspection, in order to detect pollution;<sup>16</sup> receives reports of diseases; makes inspections of public buildings and institutions; investigates the presence, source, and cause of disease; causes public service vehicles, public buildings, and dwelling places to be disinfected after certain diseases have occurred there; causes the removal of diseased persons from hotels, rooming houses, apartments, and similar places when necessary to prevent the spread of certain diseases; establishes quarantines; closes schools and churches and forbids public gatherings, in order to prevent the spread

---

<sup>8</sup> Acts 1881, ch. 19, sec. 3.

<sup>9</sup> Acts 1891, ch. 15, sec. 8.

<sup>10</sup> *Ibid.*, secs. 3, 10. Acts 1909, ch. 144, secs. 4, 6. Acts 1935; Burns, 1939 suppl., 35-118; Baldwin, 1935 suppl., 8404-1.

<sup>11</sup> Acts 1935; Burns, 1939 suppl., 35-122, 35-124; Baldwin, 1935 suppl., 8404-5, 8404-7.

<sup>12</sup> Acts 1891, 1893; Burns 35-111; Baldwin 8405.

<sup>13</sup> Acts 1903; Burns 35-406; Baldwin 8535.

<sup>14</sup> Acts 1909; Burns 35-1000; Baldwin 8512. Acts 1907; Burns 35-1207; Baldwin 8475.

<sup>15</sup> Acts 1917; Burns 35-1801; Baldwin 8563.

<sup>16</sup> Acts 1909; Burns 35-201; Baldwin 8410. Acts 1907, 1913; Burns 35-115; Baldwin 8398.



of epidemics; and protects the public health in all reasonable and necessary ways.<sup>17</sup>

From 1911 until 1935 his predecessors in office referred cases of indigent persons bitten by a dog, known or supposed to have hydrophobia, to the state board of health for the Pasture treatment; ordered hydrophobia-infected animals quarantined or killed; and, in case there was danger of the outbreak or spread of hydrophobia, ordered the muzzling or quarantining of dogs and other animals, with the consent and aid of the sheriff.<sup>18</sup>

Weekly reports, on printed forms provided by the United States Public Health Service, summarizing all communicable diseases or stating the absence thereof, are made by the county health officer to the state board of health.<sup>19</sup>

The county health officer collects, records, and reports the vital statistics of the county; issues burial permits;<sup>20</sup> and keeps full and permanent records of the public health work and of his reports. He makes monthly reports of his work to the state board of health.<sup>21</sup> He prepares and delivers to the clerk of the circuit court, on his request therefor, a list of the names and last known addresses of deceased voters.<sup>22</sup>

#### VITAL STATISTICS

360. BIRTH CERTIFICATES, 1882-98, 1902-5, 1908-14, 1917-.

22 vols. (H1-H18, 3, H8, and two vols. not labeled).

Record of births reported to county health officer, showing name, sex, color, nationality and date and place of birth of child, names, occupations and address of parents, maiden name of mother, number of children in family, and name of

---

<sup>17</sup> Acts 1891, 1909; Burns 35-111; Baldwin 8405. Acts 1903, 1915; Burns 35-402 to 35-405, 35-407 to 35-410; Baldwin 8532 to 8535, 8537 to 8540. Acts 1917; Burns 35-601 to 35-605; Baldwin 8402, 8552 to 8556. Acts 1935; Burns, 1939 suppl., 35-2207; Baldwin, 1935 suppl., 8431-7.

<sup>18</sup> Acts 1911, ch. 98, secs. 3-5 (repealed by Acts 1935, ch. 271, sec. 1). Acts 1935; Burns, 1939 suppl., 35-711; Baldwin, 1935 suppl., 3863-1.

<sup>19</sup> Acts 1907, 1913; Burns 35-115, 35-116; Baldwin 8398, 8399. Rule 6 of state board of health.

<sup>20</sup> Acts 1891, 1909; Burns 35-111; Baldwin 8405. Acts 1907, 1913; Burns 35-115; Baldwin 8398. Acts 1939; Burns, 1939 suppl., 63-722; Baldwin, 1939 suppl., 7458-6.

Public or private funeral determined. Acts 1903, 1915; Burns 35-409; Baldwin 8539.

<sup>21</sup> Acts 1891, 1909; Burns 35-111; Baldwin 8405.

<sup>22</sup> Acts 1933; Burns 29-321; Baldwin 7319.

attending physician. Arr. chron. by dates of births. 1882-98, 1902-5, 1908-14, 1917-29, indexed alph. by names of children; 1930-, no index. 1882-98, 1902-5, 1908-10, hdw.; 1911-, typed. 5 vols., 240 pp. 16 x 11 x 1 $\frac{1}{4}$ ; 17 vols., 600 pp. 10 x 9 x 3. Hlth. offr. off., 210 N. Washington St., Bloomington.

361. RECORD OF MARRIAGES, 1882-1906, 1939-. 6 vols. (7-9, and three vols. not labeled).

Record of marriages reported to health officer, showing name, age, color, occupations, dates and places of birth and prior marital history of bride and groom, names of parents, date and place of marriage, names of witnesses, and name and title of person officiating. Arr. chron. by dates of marriages. No index. Hdw. 200 pp. 18 x 12 x 1. 3 vols., 1882-Nov. 1898, C. C., clk. rec. rm.; 2 vols., Dec. 1898-1906, C. C., bsmt. stor. rm.; 1 vol., 1939-, hlth. offr. off., 210 N. Washington St., Bloomington.

For other marriage records, see entries 30-33.

362. RECORD OF CONTAGIOUS DISEASES, Oct. 10, 1930-. 1 vol. Record of contagious diseases reported to health officer, showing date of report, names of family, disease, patient, person reporting and person recording report, age, sex, color and address of patient, dates of illness and quarantine, number of persons in family, and date of raising quarantine or result of case. Arr. chron. by dates of reported cases. No index. Hdw. 400 pp. 16 x 11 x 2. Hlth. offr. off., 210 N. Washington St., Bloomington.

363. DEATH CERTIFICATES, 1893-. 19 vols.

Record of deaths reported to health officer, showing date and record number of death, name, age, sex, color, occupation, residence and marital status of deceased, date and duration of illness, cause of death, date and place of birth, parents' birthplaces, name of father, maiden name of mother, date of return, and names of mortician and place of interment. Arr. chron. by dates of deaths. 1893-1910, indexed alph. by names of deceased; 1911-, no index. 1893-1910, hdw.; 1911-, typed. 225 pp. 16 x 11 x 2. Hlth. offr. off., 210 N. Washington St., Bloomington.

### XXIII. PUBLIC HEALTH NURSE

#### LEGAL STATUS

Under the permissive provisions of an act of 1935, Monroe County has a full-time public health nurse who is appointed

for an indefinite term by the board of commissioners (subject to the approval of the Indiana State Board of Health). She may be removed from office at any time by the board of commissioners without charges being made against her.<sup>1</sup> The nurse must be "legally qualified;" must have been suitably trained in sanitary science;<sup>2</sup> must have knowledge of mental hygiene and nutrition;<sup>3</sup> must be of vigorous health; must demonstrate that she has high ideals, that she acts in accordance with ethical standards, and that she can be depended on to exercise good judgment; must be industrious and efficient; and must have "ability to get on well with other people."<sup>4</sup> Her compensation is fixed by the board of commissioners and included in an appropriation by the county council. There are no statutory limitations on the amount of her compensation.<sup>5</sup>

#### FUNCTIONS AND RECORDS

The public health nurse devotes her entire time to the duties of her office in protecting and supervising the general health and sanitation in Monroe County; performs such duties as are prescribed by regulations of the state board of health;<sup>6</sup> helps to secure early medical diagnosis and treatment for sick, diseased, and ailing persons; renders or arranges for necessary nursing care; teaches through demonstration the care to be given by relatives and attendants of sick, diseased, and crippled persons and invalids, and supervises such care; assists families and individuals to plan and carry out medical, sanitary, and social procedures for the prevention of disease and the promotion of health; helps to secure adjustment of social conditions which affect health; influences the community to develop public health facilities through participating in appropriate channels of community education for the promotion of a sound and adequate community health program; shares in community action leading to improvement of health conditions; participates in programs for the prevention

---

<sup>1</sup> Acts 1935; Burns, 1939 suppl., 35-118, 35-123; Baldwin, 1935 suppl., 8404-1, 8404-6. Letter of March 6, 1940 from James P. Wason, Deputy Attorney General of Indiana, to Dr. Christopher B. Coleman, Director of the Indiana Historical Bureau, concerning the term of office and removal of public health nurses.

<sup>2</sup> Acts 1935; Burns, 1939 suppl., 35-123; Baldwin, 1935 suppl., 8404-6.

<sup>3</sup> Interview of May 17, 1940 with Dr. Verne K. Harvey, director of state board of health.

<sup>4</sup> Regulation adopted by state board of public health on February 17, 1940.

<sup>5</sup> Acts 1935; Burns, 1939 suppl., 35-123; Baldwin, 1935 suppl., 8404-6.

<sup>6</sup> *Ibid.*

of physical and mental handicaps of children; and assists in the education of handicapped children. Her duties extend to the following specific subjects: Maternity, infant and pre-school health, school health, adult health, communicable diseases in general, tuberculosis, syphilis, gonorrhea, noncommunicable diseases in general, orthopedic service, vital statistics, sanitation, nutrition, and mental hygiene. Her work is supervised by a superintendent nurse for the health district composed of the counties of Brown, Lawrence, and Monroe.<sup>7</sup>

Concerning maternity, the nurse assists in securing medical and dental examination and supervision early in pregnancy and throughout the antepartum period; assists in planning and preparing for confinement and in securing a postpartum medical examination; gives assistance at home confinements and care to the mother and baby during the postpartum period; helps the family to carry out specific medical advice as to maternal hygiene and infant care; and participates in promoting adequate resources for maternity care through utilizing appropriate channels of community education.<sup>8</sup>

Concerning infant and preschool health, the nurse assists in securing complete birth registration; assists in securing medical supervision, dental examination, and correction of defects for every child; assists in the control of communicable diseases through teaching the recognition of early symptoms, the importance of isolation, and the value of immunization; and assists the family to carry out general and specific medical instruction concerning hygiene and the daily regime of the child, including instruction of parents in the desirability of early establishment of sound health habits.<sup>9</sup>

Concerning school health, the nurse participates in formulating and developing a health education program based on the needs of the pupils; assists physicians and dentists in the examination of pupils and the interpretation of findings to teachers, parents, and children; teaches the value of adequate health supervision and facilities for medical and nursing care, and assists in securing corrections of defects; inspects pupils; instructs teachers, parents, and pupils to observe and recognize deviations from normal health; assists in the control of communicable diseases through teaching the recognition

---

<sup>7</sup> Interview of May 17, 1940 with Dr. Verne K. Harvey, director of the state board of health.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*



of early symptoms, the importance of isolation, and the value of immunization; promotes the maintenance of a healthful school environment—physical, emotional, and social; arranges for the care of emergency and minor injuries and illnesses in accordance with standing medical orders; develops relationships to coordinate school nursing activities with all other health forces of school, home, and community and to promote community health resources; participates in curriculum making; and instructs classes in the principles of healthful living and care of the sick.<sup>10</sup>

Concerning adult health, the nurse encourages periodic health examinations; teaches the fundamentals of personal hygiene in order to assist in the prevention and retardation of those diseases specific to adult life; and assists in securing early diagnosis and treatment of those diseases.<sup>11</sup>

Concerning communicable diseases in general, the nurse promotes the complete reporting of reportable diseases; teaches the need of medical care; assists the family to carry out isolation and general and specific medical instructions; interprets health department procedure to individuals and groups; assists in making epidemiological investigations; instructs parents, teachers, and other individuals and groups to recognize early symptoms, to isolate suspicious cases, to carry out proper precautions, to prevent the spread of disease, and to appreciate the importance of adequate convalescent care; and helps under medical direction to secure specific immunization.<sup>12</sup>

Concerning tuberculosis, the nurse assists in finding cases, making contacts, and obtaining reports of all cases; assists in making epidemiological investigations; helps to arrange for sanatorium and postsanatorium care and rehabilitation of the patient when indicated; teaches the patient and family the importance of personal hygiene and the precautions to be taken to prevent the spread of the disease; helps the patient and his family to maintain a mental and social adjustment toward a long-term communicable disease; helps to educate the public concerning the unmet needs of the community for the prevention, control, and care of tuberculosis; and assists in integrating services of clinics, sanatoriums, private physicians, health department, and other related health and social agencies.<sup>13</sup>

---

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

Concerning syphilis and gonorrhea, the nurse assists in finding cases and making contacts; assists in making epidemiological investigations; promotes the reporting of cases; promotes continued treatment through assisting the patient to follow prescribed routines; teaches the patient and family the importance of personal hygiene and the precautions to be taken to prevent the spread of these diseases; and teaches scientific facts to individuals and groups to help eliminate the stigma inflicted by modern society upon the victims of these diseases.<sup>14</sup>

Concerning noncommunicable diseases, the nurse assists in securing special care for patients having special types of disability, such as orthopedic and cardiac conditions, arthritis, diabetes, and cancer; observes and assists in adjustment of health situations in the homes of patients; teaches general hygiene and the prevention of disease; and puts the family in touch with community resources.<sup>15</sup>

Concerning orthopedic service, the nurse assists in finding orthopedic cases; observes and helps others to recognize environmental conditions or habits which might produce postural or other orthopedic defects, and helps to eliminate such conditions or habits; observes and helps to eliminate conditions for bed patients which might cause contractures, foot drop, or spinal curvature; observes and teaches others to recognize signs of orthopedic defects; gives or obtains skilled physiotherapy treatment under medical direction to prevent deformities and to secure maximum return of power to muscles and joints; and teaches the patient and his family the importance of self reliance on the part of the crippled person, promoted by encouraging independence in daily routines and interest in useful occupations.<sup>16</sup>

Concerning vital statistics, the nurse teaches, as a part of the antepartum care, the value of birth registration and the importance of accurate statements on the birth certificate; makes sure that all births are registered before closing maternity cases; reports to the county health officer all births and stillbirths known to the nurse; and assists in morbidity and mortality studies which are useful in determining needs and formulating programs.<sup>17</sup>

---

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

Concerning sanitation, the nurse ascertains the source of water supply and the means of excreta disposal in the homes visited by her, and notifies the county health officer when these do not appear to be safe; teaches importance of correcting unsatisfactory conditions, and the methods of immediate protection pending their correction; observes the ventilation and screening in the homes visited; teaches the importance of screens; inquires concerning the source of the milk supply; and teaches standards and the importance of sanitary methods of milk production and handling.<sup>18</sup>

Concerning nutrition and mental hygiene, the nurse uses the resources of the community which contribute to good nutrition; observes signs of poor nutrition and their contributing conditions; instructs families concerning the relationship of nutrition to health and normal growth and development; assists families to adapt nutrition information to their own economic and social situations; keeps in mind the variations in human behavior and their significance; uses the mental health resources of the community; and tries to make more productive all contacts with families and individuals.<sup>19</sup>

In accordance with the regulations of the state board of health, the public health nurse makes reports to the county health officer, the state board of health, physicians, and co-operating agencies, and keeps records of her work. Special care must be taken to make these reports and records as accurate as possible.<sup>20</sup>

364. [MONTHLY RECORD], 1934-. 1 f. d.

Monthly reports of all activities of public health nurse, showing date of report, names of nurse and physician, name, age and address of patient, nature of disease, miles traveled, and amount of fees. Arr. chron. by dates of reports. No index. Hdw. 12 x 12 x 24. Pub. hlth. nurse off., 114 E. Third St., Bloomington.

365. PATIENTS IN TUBERCULOSIS SANITARIUM, 1934-. 1 f. d.  
Documents for admittance to Indiana State Tuberculosis Sanitarium, including:

- i. Applications, showing date of application, and names of applicant and patient.

---

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*

- ii. Township trustee's certificates for admittance, showing date and number of certificate, length of residence in state, and names and addresses of patient and trustee.
- iii. Physician's statement of examination, showing date of examination, name, age, sex, color and address of patient, name and address of physician, and diagnosis of case.

Arr. alph. by names of patients. No index. Hdw. 12 x 12 x 24. Pub. hlth. nurse off., 114 E. Third St., Bloomington. 366. SCHOOL HEALTH SUPERVISION, 1935-. 1 f. d.

Card record, including:

- i. School health record, showing date and number of case, name, age, sex, color, date of birth, name of parent or guardian, address, disease experience and immunization record of pupil, date of nurse's and physician's examination, memoranda of parental cooperation and social problems, and results.
- ii. Child health supervision, infant and preschool, showing date and number of case, name, sex, color, date of birth, names of parents, address of child, date of immunization, disease experience, general habits, nature of illness under medical care, name of physician, summary of physician's orders, and amount of fee.
- iii. Maternity record, showing date and number of case, name, age, color, marital status, occupation and address of mother, address and phone number of physician or midwife in charge, health record of patient and husband, histories of present and former births, data on ante-partum and post-partum visits, memoranda of delivery, and condition of newly born.
- iv. Morbidity record, showing date and number of case, name, age, date of birth, sex, color, marital status, occupation, financial condition and address of patient, names of individual referring case and physician, physician's diagnosis and orders, where confined, and date and reason for discharge.

Arr. chron. by dates of cases. No index. Hdw. 8 x 6 x 10. Pub. hlth. nurse off., 114 E. Third St., Bloomington.



## 367. [TUBERCULIN TEST CONSENT PAPERS], 1937-. 1 f. d.

Copies of letters to parents asking consent for their children to take tuberculin test, showing date of letter, names of child, teacher, parents or person *in loco parentis*, family physician and school, and age, address and school grade of child. Arr. alph. by names of parents. No index. Hdw. 12 x 12 x 54. Pub. hlth. nurse off., 114 E. Third St., Bloomington.

## 368. [TUBERCULOSIS TEST RESULTS], 1937-. 2 f. d.

Card record of tuberculosis tests, including:

- i. Visits by public health nurse, showing date and time of visit, diagnosis and number of case, name and address of patient, and nature of service rendered.
- ii. Tuberculosis record, showing case number, name, age, date of birth, sex, color, marital status, address, occupation, physical condition and phone number of patient, name and address of private physician, record of former examinations, and number of visits made by nurse.
- iii. Family record, showing date and number of case, names, ages, occupations, address, dates and places of birth, living conditions and earnings of members of family, occupational record, and summary of services performed.

Arr. alph. by names of patients. No index. Hdw. 12 x 12 x

24. Pub. hlth. nurse off., 114 E. Third St., Bloomington.

## XXIV. COUNTY DEPARTMENT OF PUBLIC WELFARE

## LEGAL STATUS

The county department of public welfare exists under the mandatory provisions of an act of 1936. The department's affairs are administered by the county board of public welfare and a county director of public welfare.<sup>1</sup> The department is a legal entity and its official name is "The County Department of Public Welfare of Monroe County." It may sue and be sued in that name.<sup>2</sup>

---

<sup>1</sup> Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1117 to 52-1119, 52-1126; Baldwin, 1937 suppl., 14078-18 to 14078-20, 14078-27.

<sup>2</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1122(a); Baldwin, 1937 suppl., 14078-23.

Before the present system of welfare was organized, the county administered aid to the poor and needy through discretionary powers granted to the county. County asylums were established at an early date to care for those who were without homes and means to care for themselves.<sup>3</sup> An act of 1857 authorized the board of commissioners to give aid to needy blind and infirm poor.<sup>4</sup> In 1901 the board of children's guardians was established in the county to provide adequate care and supervision of neglected and dependent children.<sup>5</sup> The board of county charities and corrections (organized in 1899) inspected and advised changes in the county institutions.<sup>6</sup> A system of old-age pensions was provided for by an act of 1933.<sup>7</sup> These previous methods of welfare assistance were merged into the present welfare law.<sup>8</sup>

Since the early days of the county, township poor relief has been administered by township overseers of the poor (now the township trustee), from funds raised by township tax levies. Such poor relief is separate and distinct from the public welfare system discussed herein, but the two systems are often confused by the public.<sup>9</sup>

The county board of public welfare consists of five members appointed for 4-year terms by the judge of the circuit court. Each member serves until his successor is appointed and qualified. At least two members must be women and not more than three members may be adherents of the same political party. The members must have resided in the county for 2 years before appointment, must have a definite and recognized interest in public welfare, and must take an oath to

<sup>3</sup> Const. 1816, art. 9, sec. 4. Const. 1851, art. 9, sec. 3. Rev. Stat. 1843, ch. 19, sec. 34. 1 Rev. Stat. 1852; Burns 52-201; Baldwin 13360. Acts 1901; Burns 52-104; Baldwin 13361.

<sup>4</sup> Acts 1857; Burns 26-1202; Baldwin 5295.

<sup>5</sup> Acts 1901, 1923, 1927; Burns 22-2801, 22-2802; Baldwin 5684, 5685.

<sup>6</sup> Acts 1899; Burns 22-2901 to 22-2903; Baldwin 4116 to 4118.

<sup>7</sup> Acts 1933, ch. 36, secs. 1-27 (all repealed by Acts 1936 (Spec. Sess.), ch. 3, sec. 129).

<sup>8</sup> Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1121, 52-1410; Baldwin, 1937 suppl., 14078-22, 14078-122.

<sup>9</sup> Acts 1816-17, ch. 26, sec. 1. Acts 1817-18 (general), ch. 14, secs. 1-24. Rev. Laws 1824, ch. 15, sec. 7; ch. 72, secs. 1-25. Rev. Laws 1831, ch. 69, secs. 1-27. Rev. Stat. 1838, ch. 20, sec. 20. Rev. Stat. 1843, ch. 5, sec. 69. 1 Rev. Stat. 1852, ch. 81, secs. 1-38. Acts 1901, ch. 147, secs. 1-39. Acts 1935; Burns, 1939 suppl., 52-145 to 52-182a; Baldwin, 1935 suppl., 13320-2 to 13359-12. Commissioners' Record, B:158, 163, 181, 207, 312, 354; C:35, 99, 149, 183, 201, 260, 327, 351, 358; D:7, 28, 34, 47, 68, 116, 160, 212, 245, 273, 301, 393, 490; E:8, 10, 43, 45, 49, 61, 102, 110, 148, 161, 174, 177, 207, 233, 235; F:6, 132, 164, 180, 303, 316, 486.

support the state and federal constitutions and faithfully discharge the duties of this office.<sup>10</sup>

The judge of the circuit court may, at any time, after due notice in writing, remove any member of the county board of public welfare for misconduct, incapacity, or neglect of duty. A vacancy in the membership of this board is filled through appointment by the judge of the circuit court; and the appointee holds office for the unexpired term and until his successor is appointed and qualified.<sup>11</sup>

Regular meetings of the county board of public welfare are held once a month. The August meeting is known as the annual meeting. Other meetings may be held pursuant to call. Three members of the board constitute a quorum for transacting business.<sup>12</sup>

The members of the county board of public welfare serve without compensation, but each member is entitled to receive 5 cents per mile for each mile actually and necessarily traveled in attending board meetings and state conventions of county board members.<sup>13</sup>

Executive and administrative work of the county department of public welfare is carried on by the county director of public welfare, who serves as secretary of the board. He is appointed by the county board of public welfare to serve for an indefinite term. The appointment is made solely on the basis of merit from eligible lists established by the Indiana State Department of Public Welfare. He must have resided in the county for 2 years before appointment, unless no suitable person with such residence is available. The director must take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office. He must post bond in an amount (not exceeding \$5,000) fixed by the state department of public welfare, to be approved by the judge of the circuit court and filed in the office of the clerk of the circuit court.<sup>14</sup>

The county director of public welfare may be removed from office at any time by the county board of public welfare.

---

<sup>10</sup> Const. 1851, art. 15, sec. 4. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054. Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1118; Baldwin, 1937 suppl., 14078-19.

<sup>11</sup> Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1118; Baldwin, 1937 suppl., 14078-19.

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

<sup>14</sup> Const. 1851, art. 15, sec. 4. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054. Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1119; Baldwin, 1937 suppl., 14078-20.

If the state department, after notice and hearing, determines that the county director's duties, functions, and activities are not performed in compliance with the welfare laws and regulations, the state department may order the county board to remove him from office. Vacancies in the office of county director are filled in the manner in which original appointments are made, except as otherwise stated hereinafter. If a successor is not appointed within 30 days after removal is ordered by the state department, or if any vacancy is not filled by the county board within 30 days after the vacancy occurs, the state department may appoint a successor to serve at the pleasure of the state department.<sup>15</sup>

The county director of public welfare receives a salary in an amount fixed by the county board of public welfare, within the salary ranges established by the state department. He also receives 5 cents per mile for each mile necessarily traveled in the discharge of his duties.<sup>16</sup>

The county director, with the approval of the county board, appoints the assistants in the department, from eligible lists compiled by the state department of public welfare, and determines the salaries of these assistants. Each assistant must have been a resident of the county for 2 years before his appointment, unless a suitable person with such residence is not available.<sup>17</sup>

#### FUNCTIONS AND RECORDS

Subject to the rules and regulations prescribed by the state department of public welfare, the county department is charged by statute with the administration of assistance to dependent children in their own homes, old-age assistance, the care and treatment of dependent, neglected, and handicapped children and children in danger of becoming delinquent, and services and assistance to the blind and to persons otherwise handicapped. The state and county departments also administer provisions and benefits of the federal "Social Security Act" of August 14, 1935. The county director performs the duties prescribed by law for the probation officer of the circuit court (concerning any welfare matters before the court), when so directed by the circuit court; but he cannot

---

<sup>15</sup> Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1119; Baldwin, 1937 suppl., 14078-20.

<sup>16</sup> *Ibid.* Interview of August 14, 1939 with Thurman A. Gottschalk, administrator of the state department of public welfare.

<sup>17</sup> Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1123; Baldwin, 1937 suppl., 14078-24.



hold the office of probation officer. The county department must report to the state department "at such times and in such manner as the state department may, from time to time, direct." Necessary quarters for the county department must be provided by the board of commissioners.<sup>18</sup>

Expenditures for welfare assistance and administrative expenses (including rent of office quarters) of the county department are paid from the county welfare fund raised by a separate tax levy,<sup>19</sup> to which are added such repayments as may be made under legal liability by recipients, their parents, children, or other persons liable for their support.<sup>20</sup> Old-age assistance certificates, filed with the recorder, establish liens against estates of recipients to insure reimbursement.<sup>21</sup> From state funds the county receives, as partial reimbursements, 60 percent of the amount paid by the county for assistance to aged persons and dependent children plus 50 percent of the amount paid by the county for personal services in the administration of the Welfare Act. A part of other funds received by the state from the federal government for welfare purposes is distributed to the counties as additional reimbursement for assistance given to aged persons and dependent children. These reimbursements are paid into the county welfare fund.<sup>22</sup> All claims for administrative expenses are subject to allowance by the board of commissioners. Claims for assistance are determined by the department and approved by the director, and need not be allowed by the board of commissioners.<sup>23</sup> The county board of public welfare may accept gifts of personal property or income from real estate, for the homes or support of dependent children.<sup>24</sup>

The auditor keeps the records relating to the county welfare fund and its financial transactions.<sup>25</sup> The county

---

<sup>18</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1113, 52-1120; Baldwin, 1937 suppl., 14078-14, 14078-21. *Opinions of the Attorney General of Indiana, 1936*, p. 155.

<sup>19</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1120, 52-1301; Baldwin, 1937 suppl., 14078-21, 14078-98.

<sup>20</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1263; Baldwin, 1937 suppl., 14078-94.

<sup>21</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1207; Baldwin, 1937 suppl., 14078-38.

<sup>22</sup> Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1124a, 52-1219, 52-1249, 52-1254; Baldwin, 1937 suppl., 14078-24a, 14078-50, 14078-80, 14078-85. "Annual Report of the Department of Public Welfare, 1938-1939", *Year Book of the State of Indiana for the Year 1939*, p. 928.

<sup>23</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1124; Baldwin, 1937 suppl., 14078-25.

<sup>24</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1122(b); Baldwin, 1937 suppl., 14078-23.

<sup>25</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1401; Baldwin, 1937 suppl., 14078-113.

department keeps such records and accounts as are required by the state department of public welfare.<sup>26</sup> All records are confidential, except the following: (a) Application for assistance, (b) awards, and (c) modification and revocation of awards.<sup>27</sup>

#### PROCEEDINGS

##### 369. MINUTES OF THE BOARD, 1936-. 1 vol.

Minutes of meetings of county board of public welfare, showing date and place of meeting, names of members present, nature of business discussed, and action taken. Arr. chron. by dates of meetings. No index. Typed. 600 pp. 18 x 12 x 3. Pub. welf. off.

370. REGISTER OF RECOMMENDATIONS, June 18, 1936-. 1 vol. Record of recommendations of county director and action of county board, showing date of recommendation, application serial number, name, age, sex, color and address of applicant, date of award, rejection or revocation, amount of award, and nature of recommendations. Arr. chron. by dates of recommendations. No index. Typed. 200 pp. 16 x 12 x 2. Pub. welf. off.

##### 371. STAFF, 1936-. 1 f. d.

Staff documents, including:

- i. Copies of appointments to staff positions, 1937-, showing same information as in entry 315iv.
- ii. Copies of authorizations to administer oaths, showing same information as in entry 315v.

Arr. chron. by dates of filing. No index. Hdw. and typed. 12 x 12 x 36. Pub. welf. off.

#### OLD-AGE ASSISTANCE

##### 372. REGISTER OF APPLICATIONS, 1936-. 1 vol.

Register of applications for assistance, including:

- i. Applications for old-age assistance, showing application number, dates of filing and action, name, age, and sex of applicant, and name of visitor assigned. Arr. num. by application nos.

---

<sup>26</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1260, 52-1402; Baldwin, 1937 suppl., 14078-91, 14078-114.

<sup>27</sup> Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1262; Baldwin, 1937 suppl., 14078-93.

- ii. Applications for aid to the blind, showing application number, dates of filing and action, name, age and sex of applicant, name of visitor assigned, and action taken by state department of public welfare. Arr. num. by application nos.
- iii. Applications for aid to dependent children, showing dates of application and filing, names of applicant and visitor assigned, application number, and action taken. Arr. chron. by dates of filing.
- iv. Foster home applications, 1937-, showing dates of application and filing, names of child, foster parents and visitor assigned, age, sex and number of children applied for, application number, and action taken. Arr. chron. by dates of filing.
- v. Applications for services to crippled children, 1937-, showing dates of application and filing, application number, name, age and sex of child, name and address of applicant, and action taken. Arr. chron. by dates of filing.
- vi. Applications of Civilian Conservation Corps enrollees, showing date and number of application, name, age, birthplace and address of applicant, and financial status of parents. Arr. num. by application nos.

No index. Hdw. 300 pp. 16 x 10 x 3. Pub. welf. off.

373. RECORD OF OLD-AGE PENSIONS, 1933-May 23, 1935.  
2 vols.

Record of old-age pension applications approved by county board of commissioners, showing date and number of application, name, address, date and place of birth, citizenship, personal history, income and oath of applicant, and action taken. Arr. alph. by names of applicants. No index. Hdw. 600 pp. 18 x 23 x 3. Aud. off.

374. OLD-AGE PENSIONS, 1933-36. 2 f. b.

Original applications for old-age pensions, showing dates of application and filing, name, age, sex, date and place of birth, marital and citizenship status, amount and source of income, valuation and description of property and case history of applicant, ages and financial condition of children, and action of board of commissioners. Arr. alph. by names of applicants. No index. Hdw. 10 x 4 x 16. Aud. rec. rm.

## 375. OLD-AGE ASSISTANCE [Active], 1936-. 1 f. d.

Original documents in active old-age assistance cases, including: Applications, investigators' reports and certificates of award, showing dates of document and action, application and certificate numbers, amount of award, name, age, sex and address of recipient, name of visitor assigned, and action taken. Arr. alph. by names of recipients. No index. Hdw. and typed. 12 x 12 x 36. Pub. welf. off.

## 376. OLD-AGE ASSISTANCE [Inactive], 1936-. 1 f. d.

Original documents in inactive old-age assistance cases, showing same information as in entry 375. Arr. num. by application nos. No index. Hdw. and typed. 12 x 12 x 36. Pub. welf. off.

## 377. WITHDRAWALS OF ASSISTANCE, 1936-. 1 f. d.

Copies of certificates of withdrawals of old-age assistance, aid to the blind and aid for dependent children, showing date and number of certificate, name, age and address of recipient, amount of award, and reason for withdrawal. Arr. num. by certificate nos. No index. Hdw. and typed. 12 x 12 x 36. Pub. welf. off.

## 378. STATE REPORTS, 1938-. 1 f. d.

Copies of reports to state department of public welfare of estates of deceased old-age recipients, showing dates of report and death, name and address of deceased, amount and terms of will, names, ages, addresses and relationship of heirs, estate number, amounts of inventory and bond, name of administrator or executor, amounts of claims filed, amount and number of life insurance policy, and names of beneficiaries and insurance company. Arr. chron. by dates of reports. No index. Typed. 12 x 12 x 16. Pub. welf. off.

## DEPENDENT CHILDREN

(See also entries 372iii-372v, 377)

## 379. DEPENDENT CHILDREN AID, 1936-. 1 f. d. (not labeled).

Original documents in active and inactive dependent children cases, including: Applications, investigators' reports and certificates of award and withdrawals of assistance, showing dates of document and action, application and certificate numbers, amount of award, name, age, sex and address of child, names of parents or guardian and visitor assigned, and action taken. Arr. alph. by names of parents or guardians. No index. Hdw. and typed. 12 x 12 x 36. Pub. welf. off.



BLIND

(See also entries 372ii, 377)

380. BLIND ASSISTANCE, 1936-. 1 f. d.

Original documents of active and inactive blind cases, including: Applications, notices to report for examinations, physician's reports and certificates of award and withdrawals, showing date of instrument, application code and serial and certificate numbers, name, address and personal history of applicant, value of personal and real property owned, name of physician, and amount of award. Arr. alph. by names of applicants. No index. Typed. 12 x 12 x 36. Pub. welf. off.

RECEIPTS AND DISBURSEMENTS

381. [FINANCIAL REPORTS], 1938-. 1 vol., 1 f. d.

Copies of monthly financial reports by county director of public welfare to state department of public welfare, showing date of report and period covered, date, amount and nature of receipts, appropriation and disbursements, balance, and certifications by county welfare director and county auditor. Arr. chron. by dates of reports. No index. Typed. Vol., 75 pp. 14 x 10 x 1; f. d., 12 x 12 x 36. Pub. welf. off.

382. [TRIPPLICATE COPIES OF REPAYMENT RECEIPTS], 1937-. 1 vol.

Copies of receipts issued for repayment of assistance, showing date, number and amount of receipt, name of payer, and application code and serial numbers. Arr. num. by receipt nos. No index. Hdw. 100 pp. 18 x 10 x 2. Pub. welf. off.

383. QUIETUS, 1938-. 1 bdl.

Quietuses issued by county auditor on treasurer's receipts issued for reimbursements from auditor of state, showing date, number and amount of quietus, name of payer, and nature of reimbursement. Arr. chron. by dates of quietuses. No index. Hdw. 12 x 6 x 2. Pub. welf. off.

CLAIMS

384. CLAIMS RECORD, 1936-. 1 vol.

Record of appropriations and disbursements of public welfare funds and all approved and paid claims, including:

- i. Ledger of appropriations and disbursements, showing date of disbursement, name and number of account, amounts of annual appropriation, monthly allotment, claims and warrants, total disbursements for month and year, appropriation balance, and appropriation, claim and warrant numbers. Arr. num. by account nos.

- ii. Record of all approved and paid claims, showing dates and amounts of claim and warrant, appropriation, code, claim and warrant numbers, names of payee, fund and depository, and total amount of warrants issued. Arr. num. by claim nos.

No index. Hdw. 150 pp. 16 x 14 x 2. Pub. welf. off.

385. REGISTER OF CLAIMS, 1936-. 1 vol.

Register of assignments of life insurance policies and other personal assets and claims filed against estates of public welfare assistance recipients, including:

- i. Register of assignments, showing date of assignment, name of recipient, register and serial numbers, amount, value and description of property assigned, and disposition of proceeds. Arr. chron. by dates of assignments.
- ii. Register of claims, 1937-, showing dates of filing and settlement, name of recipient, amounts of claim and settlement, serial and register numbers, and disposition of settlement proceeds. Arr. chron. by dates of filing.

No index. Typed. 200 pp. 16 x 10 x 3. Pub. welf. off.

386. RECAPITULATION OF CONTINUATION SHEETS, 1936-. 1 vol.,  
1 f. d.

Allowance schedules for old-age and dependent children assistance, showing date of schedule, name and address of payee, application code and serial numbers, number of children in family, amount of allowance for each child, amount of federal and state allowance, claim and warrant numbers, and certification of county director and county auditor. Arr. chron. by dates of schedules. No index. Typed. Vol., 1,000 pp. 18 x 12 x 4; f. d., 12 x 12 x 36. Pub. welf. off.

387. CERTIFICATION OF COUNTY CLAIM REGISTER, 1936-. 1 vol. Copies of county welfare director and auditor's certification to state department of public welfare of claims on claim register, showing date of certification and total amount of claims. Arr. chron. by dates of certifications. No index. Hdw. 400 pp. 10 x 14 x 2. Pub. welf. off.

388. [STATE TREASURER], 1936-. 1 f. d.

Copies of claims paid to state treasurer for reimbursement of old-age assistance, showing date, amount and nature of claim, and name of payer. Arr. chron. by dates of claims. No index. Typed. 12 x 12 x 36. Pub. welf. off.

## XXV. SURVEYOR

## LEGAL STATUS

The office of surveyor exists under the mandatory provisions of the Constitution of 1851, and has existed in Monroe County since its organization in 1818. The surveyor is elected by the voters of the county for a 2-year term, without restriction on reelection.<sup>1</sup> He is commissioned by the governor of Indiana<sup>2</sup> and holds office until his successor is elected and qualified.<sup>3</sup> The surveyor must be an elector of the county at the time of his election, must have been an inhabitant thereof throughout the preceding year,<sup>4</sup> must reside within the county after his election, and must not hold any other lucrative office.<sup>5</sup> He must post bond in an amount of not less than \$5,000, to be approved by the board of commissioners and filed with the clerk of the circuit court.<sup>6</sup> The surveyor must take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.<sup>7</sup>

The surveyor receives a regular salary of \$2,075 per year.<sup>8</sup> The law provides that his salary shall be one and one-half times that amount if he is "a qualified licensed

<sup>1</sup> Const. 1851, art. 6, sec. 2. 1 Rev. Stat. 1852; Burns 49-3301; Baldwin 5504. See footnote 17 herein.

<sup>2</sup> Const. 1851, art. 15, sec. 6. Acts 1817-18 (general), ch. 30, sec. 1. Rev. Laws 1824, ch. 104, sec. 1. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

<sup>3</sup> Const. 1851, art. 15, sec. 3. *Pursell v. State ex rel. Roney* (1887), 111 Ind. 519, 12 N. E. 1003; *Boyles v. State ex rel. Riggs* (1887), 112 Ind. 147, 13 N. E. 415.

<sup>4</sup> Const. 1851, art. 6, sec. 4.

The surveyor is not required to be a registered professional engineer or land surveyor. *Opinions of the Attorney General of Indiana*, 1939, p. 269.

<sup>5</sup> Const. 1851, art. 2, sec. 9; art. 6, sec. 6. Acts 1817-18 (general), ch. 30, sec. 1. Rev. Laws 1824, ch. 104, sec. 1. Rev. Laws 1831, ch. 102, sec. 1. *State ex rel. Bateman v. Hart* (1914), 181 Ind. 592, 105 N. E. 149. *Opinions of the Attorney General of Indiana*, 1934, p. 500; 1935, p. 103.

<sup>6</sup> Acts 1817-18 (general), ch. 30, sec. 1. Rev. Laws 1824, ch. 104, sec. 1. Rev. Laws 1831 ch. 102, sec. 1. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068. Acts 1913; Burns 49-3302 to 49-3304; Baldwin 5505 to 5507.

<sup>7</sup> Const. 1851, art. 15, sec. 4. Acts 1817-18 (general), ch. 30, sec. 1. Rev. Laws 1824, ch. 104, sec. 1. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

<sup>8</sup> Acts 1933; Burns 49-1004; Baldwin 7534.

He receives no additional compensation for doing engineering work for the county highway supervisor. *Opinions of the Attorney General of Indiana*, 1939, p. 269.

engineer."<sup>9</sup> When he furnishes his own or a hired conveyance, he receives 6 cents for each mile necessarily traveled by him while performing his duties concerning drainage.<sup>10</sup> He is not entitled to retain, as compensation for himself, any fees collected by him.<sup>11</sup>

For sufficient legal grounds the surveyor may be removed from office by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.<sup>12</sup> If the surveyor is convicted of a felony the judgment of conviction must declare his office vacant.<sup>13</sup>

Any vacancy in the office of surveyor is filled through appointment by the board of commissioners. The appointee must take oath and post bond as was required of his predecessor, and he holds office for the unexpired term and until his successor is elected and qualified.<sup>14</sup>

The board of commissioners may appoint, on the recommendation of the surveyor, such number of deputy surveyors as may be necessary, determine whether they be full-time or part-time employees, and fix the salary of each deputy in an amount not exceeding \$200 per month. Such salaries are paid from the county treasury after an appropriation therefor is made by the county council. The surveyor may require any deputy to give bond. The deputies must take an oath of office, may perform all of the surveyor's official duties, are subject to the same regulations and penalties, and may be removed from office by the board of commissioners. The township trustees are *ex officio* deputy surveyors (without additional compensation) in their respective townships.<sup>15</sup>

---

<sup>9</sup> Acts 1933; Burns 49-1010; Baldwin 7540.

<sup>10</sup> Acts 1933; Burns 27-103; Baldwin 5739.

<sup>11</sup> Acts 1933; Burns 49-1005; Baldwin 7535.

<sup>12</sup> Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-857; Baldwin 13052.

<sup>13</sup> Acts 1897, 1899; Burns 49-834; Baldwin 13050.

<sup>14</sup> Const. 1851, art. 6, sec. 9. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081. 1 Rev. Stat. 1852; Burns 49-405, 49-408, 49-409; Baldwin 13104, 13106, 13107. State *ex rel.* Culbert v. Linkhauer (1895), 142 Ind. 94, 41 N. E. 325. Interview of August 29, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

<sup>15</sup> Acts 1817-18 (general), ch. 30, sec. 3. Rev. Laws 1824, ch. 104, sec. 2. Rev. Laws 1831, ch. 102, sec. 2. Acts 1933; Burns 27-102, 36-1103; Baldwin 5738, 8701. 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108. 1 Rev. Stat. 1852; Burns 49-502, 49-3307; Baldwin 13109, 5513. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-3330; Baldwin, 1937 suppl., 5511-1.



Before the adoption of the Constitution of 1851,<sup>16</sup> the county surveyor was a statutory officer. From the organization of Monroe County in 1818 until 1831 he was appointed for an indefinite term by the Governor of Indiana. From 1831 until 1833 such appointments were made by the board doing county business. From 1833 until 1843 he was appointed for a 3-year term by the circuit court. From 1843 until 1851 the board of commissioners made these appointments.<sup>17</sup>

#### FUNCTIONS AND RECORDS

The surveyor has charge, under the direction of the board of commissioners, of all surveying and civil engineering of the county. He has charge of the preparation of plans and specifications for the construction of all roads, bridges, ditches, drains, and levees; and he supervises such construction. He also has charge of the maintenance of all ditches and drains.<sup>18</sup> If he is not a licensed engineer or is disqualified from performing his duties by reason of ownership of lands or kinship to any person whose lands are affected, the court appoints a disinterested licensed engineer to act in the matter.<sup>19</sup> From 1885 until 1933 the surveyor served ex officio as a drainage commissioner with a drainage commissioner appointed by the board of commissioners.<sup>20</sup>

Since 1933 it has been the duty of the county surveyor to supervise the maintenance of county highways, bridges, and culverts, unless the board of commissioners appoints another person to serve as county highway supervisor.<sup>21</sup> Monroe County has a county highway supervisor other than the surveyor.<sup>22</sup> The surveyor is required to attend all sessions

<sup>16</sup> Const. 1851, art. 6, sec. 2.

<sup>17</sup> Acts 1817-18 (general), ch. 20, sec. 1. Acts 1817-18 (special), ch. 6, sec. 1. Rev. Laws 1824, ch. 104, sec. 1. Rev. Laws 1831, ch. 102, sec. 1. Acts 1832-33, ch. 74, secs. 4, 5. Rev. Stat. 1838, ch. 103 (1), sec. 1; ch. 103 (2), secs. 4, 5. Rev. Stat. 1843, ch. 4, sec. 48; ch. 10, sec. 1.

<sup>18</sup> Acts 1923; Burns 27-101, 27-103, 27-104, 27-107 to 27-109, 27-111 to 27-116; Baldwin 5737, 5739, 5740, 5743 to 5745, 5747 to 5752. 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

Work done by employees of Civilian Conservation Corps or Work Projects Administration under supervision of the county surveyor. Acts 1939; Burns, 1939 suppl., 27-233; Baldwin, 1939 suppl., 5794-9.

<sup>19</sup> Acts 1819-20, ch. 24. Rev. Laws 1824, ch. 104, sec. 3. Acts 1933; Burns 27-102; Baldwin 5738.

<sup>20</sup> Acts 1885 (Spec. Sess.), ch. 40, sec. 1. Acts 1905, ch. 157, secs. 1, 14. Acts 1907, ch. 252, secs. 1, 21. Acts 1933, ch. 264, sec. 81.

<sup>21</sup> Acts 1933; Burns 36-1101, 36-1102, 36-1110; Baldwin 8659, 8700, 8708.

<sup>22</sup> See the essay entitled "County Highway Supervisor."

of the annual road school conducted by Purdue University. His expenses for such attendance are paid from the general fund of the county.<sup>28</sup>

On application of the surveyor it is the duty of the board of commissioners to provide for the location and establishment of a true and permanent meridian line at or near the county seat and upon public lands belonging to the county. After the completion and location of such established meridian line, the surveyor must file with the recorder a complete description of the marked meridian line and thereafter check his instruments against the line as often as necessary.<sup>24</sup>

The surveyor administers certain oaths,<sup>25</sup> takes acknowledgments of mortgages and deeds for the conveyance of real estate,<sup>26</sup> and makes surveys to established lines and corners of any lands in the county when requested to do so.<sup>27</sup> Surveys made by the surveyor are prima facie evidence in favor of the corners established and the lines run, but an appeal to the circuit court may result in a resurvey by some other competent person.<sup>28</sup> For his services other than for the county he charges the fees provided by statutory schedule and pays the same over to the county treasurer.<sup>29</sup>

The deputies return to the surveyor all field notes taken by them.<sup>30</sup> The surveyor is required to preserve a copy of the original field notes of the surveys of the townships in his county,<sup>31</sup> and keep a record of all surveys made by him.<sup>32</sup>

#### SURVEYS

(See also entry 68)

#### 389. SURVEYOR'S RECORD, 1838-. 3 vols.

Record of county surveys and drawings of plats, showing date

<sup>28</sup> Acts 1925; Burns 49-3323; Baldwin 5520.

<sup>24</sup> Acts 1895; Burns 49-3327, 49-3328; Baldwin 10849, 10850.

<sup>25</sup> 1 Rev. Stat. 1852; Burns 49-3316; Baldwin 5518.

<sup>26</sup> 1 Rev. Stat. 1852, Acts 1857; Burns 49-3317; Baldwin 5519.

<sup>27</sup> Rev. Laws 1831, ch. 102, sec. 6. Acts 1852-53, ch. 74, sec. 3. 1 Rev. Stat. 1852, Acts 1875; Burns 49-3311, 49-3312; Baldwin 5509, 5510.

<sup>28</sup> 1 Rev. Stat. 1852; Burns 49-3313; Baldwin 5515. Acts 1901; Burns 49-3314; Baldwin 5516.

<sup>29</sup> Rev. Laws 1824, ch. 41, secs. 7, 9. Rev. Laws 1831, ch. 102, sec. 6. Acts 1933; Burns 49-1005; Baldwin 7535. Acts 1875 (Spec. Sess.); Burns 49-3318; Baldwin 5521.

<sup>30</sup> 1 Rev. Stat. 1852; Burns 49-3307; Baldwin 5513.

<sup>31</sup> Rev. Laws 1831, ch. 102, sec. 5. 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

<sup>32</sup> 1 Rev. Stat. 1852, Acts 1875; Burns 49-3311; Baldwin 5509.

of survey, location and description of land, section, township and range numbers, notes of cornerstones, witnesses and bench marks, and names of real property owner and township. Arr. chron. by dates of surveys. Indexed alph. by names of real property owners. Hdw. 600 pp. 18 x 13 x 3. Surv. off.

390. FIELD BOOK, 1853, 1865, 1901. 7 vols.

Transcripts of the original field notes of the U. S. survey of Monroe County, 1811, showing date of survey, name of surveyor, his memoranda, section, township and range numbers, plat of each section by quarters, and corner markings with explanatory notes of witness bearings. Arr. num. by section nos. No index. Hdw. 100 pp. 8 x 6 x 1. Surv. off.

#### PUBLIC IMPROVEMENTS

(See also entries 16-22, 236, 237, 300, 397-403)

391. BLUEPRINT OF ROADS, approx. date 1915. 11 blueprints.

Blueprints of roads in the county, showing date of drawings, contour, direction, location and type of road, and description and location of bridge crossings. Drawn by U. S. Hanna, Bloomington. Blueprint. Condition very poor. No scale given. 41 x 26. Bsmt. stor. rm.

392. ROADS, 1913. 122 blueprints.

Plans for repairs and construction of county roads, showing date and scale of plan, names of township and road, and location and specifications of project. Drawn at Bloomington. Blueprint. Scale varies. 40 x 20. Aud. off.

393. BRIDGES, 1913. 78 blueprints.

Plans for construction and repair of county bridges, showing date and scale of plan, names of bridge and township, location of project, and specifications for material and construction. Blueprint. Condition very dirty. Scale varies. 42 x 20. Aud. off.

394. STATE HIGHWAY COMMISSION AND FEDERAL AID PROJECTS, n. d. 8 blueprints.

Plans and specifications for state highway and federal aid roads, showing names, directions, locations, contours and profiles of roads, and specifications for construction. Drawn by H. K. Bishop and L. H. Wright. Blueprint. Condition very poor. No scale given. 22 x 35. Bsmt. stor. rm.

395. BRIDGE BLUEPRINTS, n. d. 8 blueprints.

Plans for county bridges, showing date and scale of plan, name and location of bridges, and specifications of materials

and construction. Drawn by U. S. Hanna, Bloomington. Blueprint. Condition exceedingly poor. Scale varies.  $9\frac{1}{2} \times 36$ . Bsmt. stor. rm.

396. BLUEPRINT OF COURTHOUSE, 1907. 9 blueprints.

Plans and profiles of county courthouse, showing date of blueprint, specifications for construction, and profiles of building. Drawn by John L. Nichols, Bloomington. Blueprint. Condition very poor. Scale varies.  $34 \times 24$ . Bsmt. stor. rm.

## XXVI. COUNTY HIGHWAY SUPERVISOR

### LEGAL STATUS

The office of county highway supervisor exists under the provisions of an act of 1933. The board of commissioners may appoint the county surveyor or some other person to serve as highway supervisor, subject to removal at any time by the board. If no such appointment is made, the surveyor must perform the duties of this office. A person other than the surveyor now holds this office in Monroe County. The law provides that he shall receive a regular salary in an amount fixed by the board of commissioners, equivalent to not less than \$2 nor more than \$3 per year for each mile of highway under his supervision (to be determined at the January session each year).<sup>1</sup> The highway supervisor must be an elector of the county at the time of his appointment, must have been an inhabitant thereof throughout the preceding year,<sup>2</sup> must reside within the county after his appointment, and must not hold any other "lucrative office."<sup>3</sup> He must take an oath that he will support the state and federal constitutions and will faithfully perform the duties of his office.<sup>4</sup>

---

<sup>1</sup> Acts 1933; Burns 36-1101, 36-1110, 49-1010; Baldwin 8639, 8708, 7540. *Opinions of the Attorney General of Indiana, 1935*, p. 205.

<sup>2</sup> Const. 1851, art. 6, sec. 4.

A county highway supervisor other than the surveyor is not required to be a qualified registered professional engineer. *Opinions of the Attorney General of Indiana, 1939*, p. 269.

<sup>3</sup> Const. 1851, art. 2, sec. 9; art. 6, sec. 6.

Serving as surveyor and also as highway supervisor is not prohibited by the constitution. *State ex rel. Bateman v. Hart* (1914), 181 Ind. 592, 105 N. E. 149.

<sup>4</sup> Const. 1851, art. 15, sec. 4. Acts 1905; Burns 10-3703; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101, 49-102, 49-104; Baldwin 13054, 13055, 13057.



The board of commissioners authorizes the employment of teams, trucks, and men necessary to assist in the repair work of roads (under the supervision of the county highway supervisor), and determines the rate of wages and hire therefor.<sup>5</sup>

Before 1879 the board doing county business had general supervision of the construction and repair of county roads, with the aid of district road supervisors (appointed by the board), the township trustees, and township supervisors of roads.<sup>6</sup> From 1879 to 1913 the board of commissioners was an ex officio board of turnpike directors for that purpose. The board divided the county into three districts, and each director had personal supervision of one of such districts.<sup>7</sup> In 1913 this board was abolished and the office of county highway superintendent was created. The superintendent was appointed biennially by the board of commissioners and placed in charge of the maintenance of all roads, bridges, and culverts in the county.<sup>8</sup> In 1933 this office was abolished<sup>9</sup> and the office of county highway supervisor was created.<sup>10</sup>

#### FUNCTIONS AND RECORDS

The county highway supervisor has general charge of the maintenance of county roads, bridges, and culverts;<sup>11</sup> divides the county into road districts; maps all existing roads, giving each road a separate name or number and setting forth the length and character of each road and the kind and volume of traffic;<sup>12</sup> fixes maximum limits of loads for roads, bridges, and culverts;<sup>13</sup> establishes standards for maintenance according to topography, nature, volume of traffic, and the availability of repair materials; annually makes a budget estimate of the cost of maintenance during the next calendar

---

<sup>5</sup> Acts 1933; Burns 36-1107; Baldwin 8705.

<sup>6</sup> Acts 1816 (general), ch. 8. Acts 1817-18 (general), ch. 43. Acts 1818-19 (general), ch. 11. Rev. Laws 1824, ch. 87. Rev. Laws 1831, ch. 20, sec. 22; ch. 82. Rev. Stat. 1838, ch. 91. Rev. Stat. 1843, ch. 4, secs. 26, 160; ch. 16. 1 Rev. Stat. 1852, ch. 48.

<sup>7</sup> Acts 1879 (Spec. Sess.), ch. 115, sec. 1.

<sup>8</sup> Acts 1913, ch. 330, secs. 1, 2. State *ex rel.* Bateman v. Hart (1914), 181 Ind. 592, 105 N. E. 149.

<sup>9</sup> Acts 1933; Burns 36-1113.

<sup>10</sup> Acts 1933; Burns 36-1110; Baldwin 8708.

<sup>11</sup> Acts 1933; Burns 36-1102, 36-1110; Baldwin 8700, 8708.

<sup>12</sup> Acts 1933; Burns 36-1109; Baldwin 8707.

<sup>13</sup> Acts 1933; Burns 36-1102, 36-1110; Baldwin 8700, 8708.

year;<sup>14</sup> and attends meetings of the board of commissioners<sup>15</sup> and sessions of the annual road school at Purdue University.<sup>16</sup>

The records of the county highway supervisor are maps of the highway system made by him,<sup>17</sup> reports of work in progress,<sup>18</sup> monthly reports to the board of commissioners of all work done, and an annual report of his work, with a complete statement of all expenditures under his supervision.<sup>19</sup>

#### PUBLIC IMPROVEMENTS

(See also entries, 16-22, 236, 237, 300, 391-396)

#### 397. COUNTY HIGHWAY SUPERINTENDENT'S LEDGER, 1914-. 8 vols.

Record of expenditures for construction and maintenance of highways, showing date of expenditure, names of road and supervisor, amount and kind of material and labor used, and total expenditures. Arr. chron. by dates of expenditures. No index. Hdw. 300 pp. 14 x 12 x 3. 6 vols., 1914-22, bsmt. stor. rm.; 2 vols., 1923-, hwy. sup. off.

#### 398. HIGHWAY SUPERVISOR'S LEDGER OF APPROPRIATIONS AND DISBURSEMENTS, 1931-. 8 vols.

Record of appropriations and disbursements of county highway funds, showing date and amount of appropriation, dates, amounts and nature of disbursements, names of claimant and fund, and balance. Arr. chron. by dates of appropriations and disbursements. No index. Hdw. 200 pp. 14 x 12 x 1½. Hwy. sup. off.

#### 399. [REPAIR ORDERS], 1923-. 1 f. b.

Bills for repairs on county road equipment, showing date and amount of bill, name and address of vendor, and description, quantity and price of material and labor furnished. Arr. alph. by names of vendors, thereunder chron. by dates of statements. Hdw. and typed. 11 x 8 x 12. Hwy. sup. off.

---

<sup>14</sup> Acts 1933; Burns 36-1103; Baldwin 8701.

This budget estimate is under the control of the board of commissioners and may be changed at any time by that board. *Bateman v. State* (1938), 214 Ind. 138, 14 N. E. (2d) 1007.

<sup>15</sup> Acts 1933; Burns 36-1104; Baldwin 8702.

<sup>16</sup> Acts 1933; Burns 36-1110; Baldwin 8703.

<sup>17</sup> Acts 1933; Burns 36-1109; Baldwin 8707.

<sup>18</sup> Acts 1933; Burns 36-1106; Baldwin 8704.

<sup>19</sup> Acts 1933; Burns 36-1104; Baldwin 8702.

## 400. [BILLS PAID], 1932-. 1 bdl.

Vendors' receipts for payments for road materials, showing date and amount of payment, kind of material purchased, and name and address of vendor. Arr. chron. by dates of payments. No index. Hdw. and typed. 11 x 13 x 24. Hwy. sup. off.

## 401. [RECORD OF EMERGENCY PURCHASE ORDERS], 1935-. 1 vol.

Record of orders for bridge, culvert and road materials, showing dates of order and delivery, quantity, unit price, quality and total cost of materials, and name and address of vendor. Arr. chron. by dates of orders. No index. Hdw. 300 pp. 10 x 8 x 2. Hwy. sup. off.

## 402. [REPORTS], 1935-. 1 f. b.

Operation reports relative to road projects, showing date of report, payroll period covered, names of employees, road project and foreman, and statements of labor, material and equipment used. Arr. chron. by dates of reports. No index. Hdw. 11 x 8 x 12. Hwy. sup. off.

## 403. [RECEIPTS FOR PURCHASES], 1936-. 1 bdl.

Duplicates of receipts issued for materials delivered, showing date and number of receipt, kind of material, names of deliveryman and receiver, gross and net weights of load, and license number of truck. Arr. chron. by dates of receipts. No index. Hdw. 8 x 4 x 4. Hwy. sup. off.

## XXVII. COUNTY AGRICULTURAL AGENT

## LEGAL STATUS

The office of county agricultural agent exists under the mandatory provisions of an act of 1937, and has existed in Monroe County since 1917.<sup>1</sup> The county agricultural agent is appointed for a 1-year term by the director of agricultural extension service of Purdue University, with the approval of the county agricultural agent board (a state board). This board prescribes his qualifications and may remove him from office. Any vacancy in office is filled in the manner provided for making the original appointment. The county council is required to appropriate \$1,000 annually for the expenses of his office. The act of 1937 provides that the county agricultural agent is to receive through Purdue University an annual salary of not less than \$2,000 (to be paid from a certain

---

<sup>1</sup> See footnote 6 herein.

state fund provided for in that act), and that the county agricultural agent board must "make a distribution of state funds to the several counties, on a graduated scale, according to the qualifications of the county agricultural agent employed therein and the needs of the county."<sup>2</sup>

An act of 1829 provided for the establishment of county agricultural societies but no funds were appropriated. An amendment of this act in 1835 encouraged the county to provide funds for the development of agriculture. These early societies were short lived but were revived by an act of 1852 which provided for the offering of annual premiums by the county for the various phases of agricultural improvement. By 1890 every county in the state had its agricultural society.<sup>3</sup> The board of commissioners may authorize the payment of hall rents, printing, advertising, prizes for contests, and other local expenses of a county farmers' institute.<sup>4</sup> The county council and board of commissioners may appropriate \$200 annually for a corn growers' association or horticultural society if there is no agricultural fair or association in active operation in the county.<sup>5</sup>

The office of agricultural agent was established in Monroe County in 1917 under authority of an act of 1913, which provided for its establishment on petition of 20 county residents and deposit of \$500. After the office was established it was the duty of the county council to make annual appropriations for the office without further petitions being filed. The act of

<sup>2</sup> Acts 1913, 1923, 1927, 1937; Burns, 1939 suppl., 28-4911; Baldwin, 1937 suppl., 6457. *Opinions of the Attorney General of Indiana, 1937*, pp. 144, 561. Interview of December 1, 1939 with Floyd I. McMurray, state superintendent of public instruction.

The appropriation act of 1939 appropriated \$165,600 per year for operating expenses of the county agricultural agent board from July 1, 1939 through June 30, 1941. Acts 1939, ch. 47, sec. 2, p. 275.

Under the law in force in 1931 the state's contribution was not available in absence of appropriation by the county council. *Opinions of the Attorney General of Indiana, 1931*, p. 826.

The county could accept funds from the local farm bureau to be paid for the expenses of the office of county agricultural agent. *Ibid.*

<sup>3</sup> Acts 1828-29, ch. 4, secs. 1, 7. 1834-35 (general), ch. 70, sec. 1. 1 Rev. Stat. 1852, ch. 2. William Carroll Latta, *Outline History of Indiana Agriculture* (Lafayette, Indiana, 1938), 271-274.

An act of 1907 provided for the payment of \$100 annually by the county to promote the extension of farmers' institute work. Acts 1907, ch. 117, secs. 1, 2 (repealed by Acts 1911, ch. 54, sec. 6).

<sup>4</sup> Acts 1911; Burns 28-5625; Baldwin 3610.

<sup>5</sup> Acts 1917, 1933; Burns 15-319; Baldwin 3544.



1937 made the office mandatory in all counties. Before 1937 the agent was appointed annually by Purdue University (except that re-appointments after 1923 could be made for two-year terms), subject to the approval of the state and county boards of education.<sup>6</sup>

#### FUNCTIONS AND RECORDS

The agricultural agent, under the supervision of Purdue University, cooperates with farmers' institutes, farmers' clubs, and other rural and civic organizations; conducts practical farm demonstrations, boys' and girls' clubs and contest work, and other movements for the advancement of agricultural and country life; gives advice to farmers on practical farm problems; and aids the superintendents of schools and the teachers of the county in giving practical education in agriculture and domestic science.<sup>7</sup>

Monroe County has a home demonstration agent to develop extension programs for the improvement and advancement of agriculture, home economics, and rural life, in harmony with federal and state laws and in close cooperation with the work of the county agricultural agent. The agricultural extension division of Purdue University selects the home demonstration agent and supervises her work. She must be unmarried, a graduate of a recognized school of home economics, and have some practical experience in teaching. Her salary is paid by Purdue University from federal land grant college funds. Her office expenses are paid from funds appropriated by the county council. Her term of office is indefinite. She directs all home economic extension work, both adult and junior, including girls' 4-H clubs, and cooperates with the county schools.<sup>8</sup>

The records of the agricultural agent and home demonstration agent consist of reports to Purdue University concerning their activities, compiled under the direction of the university.<sup>9</sup>

---

<sup>6</sup> Acts 1913, ch. 24, sec. 12. *Sixth Annual Report, Purdue University, Department of Agricultural Extension, 1917, p. 5.*

<sup>7</sup> Acts 1913, 1923, 1927, 1937; Burns, 1939 suppl., 28-4911; Baldwin, 1937 suppl., 6457.

<sup>8</sup> U. S. C., title 7, secs. 341 to 343, 344 to 348 (law of 1914). Acts 1931; Burns 28-5627; Baldwin 6475. Interview of December 1, 1939 with Floyd I. McMurray, state superintendent of public instruction.

<sup>9</sup> Interview of December 1, 1939 with Floyd I. McMurray, state superintendent of public instruction.

## 404. [ANNUAL NARRATIVE REPORT], 1925-. 1 f. b.

Copies of agricultural agents' annual narrative reports to Purdue University agriculture extension service, including activities on agricultural engineering, farm management, farm equipment, cultivation of farm land, farm crops, legumes, forestry, weed control, poultry and stock raising, horticulture, entomology, and marketing of crops, showing date of report, name of project, number of farm and other visits, and memoranda of achievements. Arr. chron. by dates of reports. No index. Hdw. 10 x 5 x 16. Agr. agt. off.

## 405. [HOME DEMONSTRATION AGENT], 1918-. 3 f. b.

Copies of home demonstration agent's annual narrative reports to Purdue University agricultural extension service, including:

- i. Home demonstration agent's activities on home management, sanitation and furnishings, parent education, child development, community organization, and cooperation with other agencies, showing date of report, name of project, number of home and other visits, and memoranda of achievements.
- ii. 4-H club activities, showing date of report, number of club leaders and members enrolled, nature of annual work programs and contests, names of members participating, grades made, and list of prizes awarded.

Arr. chron. by dates of reports. No index. Hdw. 10 x 5 x 16. Agr. agt. off.

## 406. PERMANENT RECORDS, 1932-. 2 f. d.

Documents relative to activities and official business of agricultural agent, including bills paid and unpaid, budgetary estimates, 4-H and home economics club work and membership, showing date and nature of document, period covered, names of club members, amount and items of bills, agent's salary and estimated expenses, and nature and scope of activities. No arr. No index. Hdw. 14 x 14 x 32. Agr. agt. off.

## 407. 4-H CLUB MEMBERS RECORD, 1934-. 2 f. b.

Card record of 4-H club members, showing date of enrollment, names of member, parents, club, local leader and township, nature of projects, and results attained. Arr. alph. by names of members. No index. Hdw. 10 x 6 x 18. Agr. agt. off.

## 408. [CORN AND HOG REDUCTION CONTRACTS], 1933-36. 1 f. b.

Discontinued.

Original contracts relative to corn production and hog raising, showing date, term and conditions of contract, name of farm owner or operator, and agricultural agent's certification of fulfillment of contract. Arr. chron. by dates of contracts. No index. Hdw. 10 x 5 x 16. Agr. agt. off.

## XXVIII. COMMISSION OF PUBLIC RECORDS

## LEGAL STATUS

The commission of public records of Monroe County exists under the mandatory provisions of an act of 1939. The commission consists of the judge and clerk of the circuit court, the president of the board of commissioners, and the county auditor. The clerk of the circuit court is secretary, and another member (selected by the commission) serves as chairman.<sup>1</sup>

The members of the commission serve without compensation and receive no reimbursement for any expenses.<sup>2</sup>

An act of 1877 required the board of commissioners to order copies to be made of any public records in the county when necessary for their preservation.<sup>3</sup> An act of 1925 provided that any public official, at his discretion, may turn over to the Indiana State Library, for permanent preservation, any official books, records, documents, original papers, newspaper files, or printed books or materials, not in current use in his office;<sup>4</sup> and an amendatory act of 1937 added a provision that the director of the state library, at his discretion, may make a copy of any official book, record, document, original paper, newspaper, or printed book or material in any public office, for preservation in the state archives.<sup>5</sup> An act of 1935 created within the executive department of the state a "commission on public records," consisting of the governor, the secretary of state, the state examiner, the director of the state library, and the director of the historical bureau. This act is almost identical with the act of 1939 creating a "commission of public records" in each county, except for the provisions relative to ex officio members of the commission.<sup>6</sup> These laws reflect the past and present attitudes of the general assembly toward the preservation of public records.

---

<sup>1</sup> Acts 1939; Burns, 1939 suppl., 49-3701; Baldwin, 1939 suppl., 5492-1.

For laws concerning eligibility, oath, and removal of these officers, see the essays on circuit court, board of commissioners, auditor, and clerk of the circuit court.

<sup>2</sup> Acts 1939; Burns, 1939 suppl., 49-3701; Baldwin, 1939 suppl., 5492-1.

<sup>3</sup> Acts 1877; Burns 26-634; Baldwin 5339.

<sup>4</sup> Acts 1925; Burns 63-830; Baldwin 10287.

<sup>5</sup> Acts 1925, 1937; Burns, 1939 suppl., 63-830; Baldwin, 1937 suppl., 10287.

<sup>6</sup> Acts 1935; Burns, 1939 suppl., 63-1901 to 63-1910; Baldwin, 1935 suppl., 15400-1 to 15400-10.

## FUNCTIONS AND RECORDS

It is the duty of the commission to classify public records on the following basis: Those (a) having no official or historical value; (b) those of current official value; (c) those of official value, but rarely consulted and of no appreciable value to the officer with whom they are filed; and (d) those of purely historical value.<sup>7</sup> Records of class (a), occupying space to no purpose in the offices and storerooms of the county, must be destroyed or otherwise disposed of 3 years after they were originally filed, unless a law prohibits their destruction or requires that they be kept beyond that period.<sup>8</sup> Records of class (b) are to be "retained in the office where they are required to be filed."<sup>9</sup>

Records of classes (c) and (d) must be transferred to the state library 3 years after the date of the filing, unless they are then in frequent use by the officer in charge. In the event of such transfer, the records of class (c) will be added to the "archives" of the library, while those of class (d) will constitute a part of the "collection" of that institution.<sup>10</sup>

When any public records are ordered destroyed or transferred, the commission must enter an order to that effect on its minutes. The order must be dated and must contain a general description of the public records to be destroyed or transferred.<sup>11</sup>

It is unlawful for any public official or person to destroy any public record unless the commission has previously given its approval in writing and entered such approval on the minutes of the commission.<sup>12</sup>

Within the meaning of the act of 1939, a public record is any written or printed book, paper, document, map, or drawing which is the property of any county, and in or on which any entry has been made or is required by law to be made, or which any officer or employee of the state has received or is required to receive for filing.<sup>13</sup>

---

<sup>7</sup> Acts 1939; Burns, 1939 suppl., 49-3702; Baldwin, 1939 suppl., 5492-2.

<sup>8</sup> Acts 1939; Burns, 1939 suppl., 49-3703, 49-3704; Baldwin, 1939 suppl., 5492-3, 5492-4.

<sup>9</sup> Acts 1939; Burns, 1939 suppl., 49-3702; Baldwin, 1939 suppl., 5492-2.

<sup>10</sup> Acts 1939; Burns, 1939 suppl., 49-3704 to 49-3706; Baldwin, 1939 suppl., 5492-4 to 5492-6.

<sup>11</sup> Acts 1939; Burns, 1939 suppl., 49-3707; Baldwin, 1939 suppl., 5492-7.

<sup>12</sup> Acts 1939; Burns, 1939 suppl., 49-3708; Baldwin, 1939 suppl., 5492-8.

<sup>13</sup> Acts 1939; Burns, 1939 suppl., 49-3709; Baldwin, 1939 suppl., 5492-9.



## INDEX

---

Figures in roman type refer to entry numbers; figures  
in italics to pages

- Abbreviations, 123-126  
Abel, Elias, 16  
Absent voters' ballots, 80,  
327, 330  
Abstracts  
taxes, 61, 62, 292  
titles, school fund loans,  
261, 225i  
Acceptance of land, 100, 101,  
137, 149  
Accounts, state board of, *see*  
Indiana, State of  
Acuff, John, 16  
Adams and Denton, contrac-  
tors, 110  
Administrative building coun-  
cil, 132  
Administrators  
*See also* Probate causes  
applications, 159  
bonds, *see* Bonds  
oaths and letters, 198, 199,  
163  
reports, 159, 161  
school fund loan, 260  
Adoption, 37, 192  
Affidavits, 59, 86x  
allegiance, political par-  
ties, 333  
bidders on contracts, 99  
borrowers, school funds, 261  
bounties, 298  
candidates' expenses, 81  
civil causes, 45, 46  
contractors, 99  
criminal causes, 45, 46, 226,  
241, 143, 146, 210  
juvenile, 183  
marriage licenses, 30, 33  
naturalization, 115  
redemption, sheriff's sale,  
136  
taxpayers, for assessment  
exemptions, 58, 253, 291,  
301-303  
intangible tax, 65  
personal property, 53  
voter's registration, 80,  
319-321, 324, 325  
challenges, 320  
witnesses, elections, 328  
Agents  
agricultural, *see* Agricul-  
tural agent  
county, 26, 106, 107, 136, 280  
home demonstration, 27, 102,  
381, 405  
insurance, certificates, 67,  
155, 43  
Agreements, 59, 86x  
Agricultural agent, 26, 102,  
103, 379-381  
records of, 405-408  
location of 116

- Agricultural agent board, 379, 380  
 Agricultural extension service, Purdue University, 102, 103, 379, 381  
     county agents' reports, 381, 404  
 Agricultural societies, 12, 102, 380  
     tax exemption, 58  
 Airports, 34, 102  
 Alcoholic beverage board, 29, 191i  
 Alexander, William, 107, 108  
 Alien, *see* Naturalization  
 Alimony and support, 37, 192 docket, 139  
 Allowances, 30, 70-73, 131, 11-13  
     *See also* Claims; Fees; Funds  
     agricultural societies, 102  
     appeals, *see* Appeals  
     cancelled, 71  
     courts and judges, 72, 73, 284, 191iii, 283  
     disallowance, 33, 34  
     dockets, *see* Dockets  
     election commissioners, board of, 322  
     illegal, recovery of, 33  
     insanity and feeble-minded causes, 276  
     master commissioners, 72, 196  
     meals for prisoners, 224  
     notices by publication, 72, 282  
     poor relief, *see* Poor relief  
     primary election commissioners, board of, 322  
     public welfare, 365, 384ii  
     review, board of, 249  
     rewards, payment of, 132  
 Riley hospital commitment, 277  
     roads, *see* Roads  
     salaries, *see* Salaries  
     superintendent of schools, 238  
     travel, *see* Travel claims and allowances  
 American Legion, 58  
 American Revolution, 3  
 Amusement operators' licenses, 8, 67, 267, 287  
 Animals  
     at large, 133  
     damage by dogs, 253, 282  
     dogs, *see* Dogs and kennels  
     estrays, 156, 49  
     exhibition licenses, 8  
     marks and brands, 169, 91  
     poundkeeper, 136  
     taxes, 8  
 Annuities, tax exemptions, 58  
 Appeals  
     *See also* Remonstrances  
     to appellate court, 39, 42, 194  
     bond issues and notes, 149  
     bond on appeals, 283, 26, 29, 191ii, 192  
     budget, 291  
     from circuit court, 39, 42, 187, 194, 201  
     notices, 143  
     removal of officials, 147, 152, 166, 224, 234, 244, 250, 255, 259, 266, 278, 323, 330, 339, 372  
     to circuit court, 38, 39, 42, 138, 139, 187, 190, 191, 193  
     claims, 71, 139, 282  
     condemnation, school buildings, 138, 149  
     land acceptance, 101  
     notices, 143  
     poor relief, 95  
     removal of officials, 245, 266  
     surveys, 374

*Appeals (cont.)*

from commissioners, board  
 of, 39, 133, 187, 193, 194  
 claims, 71, 139, 282  
 condemnation, school, 138  
 ferry licensing, 139  
 land acceptance, 101  
 removal of county seat, 139  
 removal of treasurer, 266  
 road, 139  
 townships, 139  
 from common pleas, court  
 of, 42, 187, 191  
 from council, county, 101, 149  
 costs, 71  
 from justices of the peace,  
 38, 187, 193  
 from medical examination  
 board, 243  
 from municipal courts, 38,  
 39, 193  
 from park boards, city, 39, 194  
 poor relief claims, 95  
 from probate court, 42, 187,  
 190  
 to public instruction, su-  
 perintendent of, 343  
 from public welfare, de-  
 partment of, 95  
 to public welfare, depart-  
 ment of, state, 95  
 from public works, board  
 of, city, 39, 194  
 to superintendent of schools,  
 343  
 to supreme court, 39, 42, 187,  
 190, 191, 194, 339  
 removal of officials, 130,  
 147, 152, 166, 224, 234, 245,  
 250, 255, 259, 266, 278, 323,  
 330, 372  
 from surveyor, 374  
 from tax commissioners,  
 state board of, 57, 252  
 removal of assessor, 245

to tax commissioners, state  
 board of, 54, 56, 59-61, 148,  
 149, 252, 253, 256, 289, 291, 292  
 taxes  
 from assessors, 54, 248  
 to circuit court, 39, 54, 56,  
 57, 194, 248, 252  
 from council, county, 59, 291  
 from review, board of, 39,  
 57, 194, 252, 253, 289  
 to review, board of, 54,  
 56, 248  
 from tax adjustment, board  
 of, 256, 292  
 transcripts, 201, 283  
 praecipies, 128  
 Appellate court, 39, 42, 194  
 Applications  
*See also* Petitions  
 administrators, 159  
 bar admittance, 190i  
 Civilian Conservation Corps,  
 372vi  
 executors, 159  
 exemptions, tax, 291, 304  
 guardians, 159  
 licenses, *see* Licenses  
 old-age pensions, 374  
 Riley hospital admittance,  
 113i  
 tuberculosis sanitarium  
 admittance, 365i  
 welfare assistance, 92, 93,  
 372, 375, 376, 379, 330  
 rejection notices, 315x,  
 315xvii  
 Applications to pay, auditor,  
 266, 268  
 Appointments  
 agricultural agent, 379, 381  
 alcoholic beverage board,  
 members, 29, 191i  
 applications, probate  
 causes, 159

*Appointments (cont.)*

appraisers, 136, 261, 296  
     inheritance tax, 64, 247  
     state lands, 134  
 assessor, 135, 136, 245  
 attendance officer, schools,  
     336, 337, 341  
 attorneys, 196  
 auditor, 135, 278, 279  
 bailiff, 43, 196  
 civil engineers, roads, 98  
 clerk of the circuit court,  
     6, 135, 152, 153  
 commissioners  
     county, 130, 138  
     county seat, 6  
     drainage, 136, 373  
     election recount, 81  
     jury, 43, 197  
     record replacement, 104  
     road, 136  
     special, 138  
 constables, 136  
 coroner, 135, 234  
 council, county, members,  
     146, 147  
 county agent, 134, 280  
 court officials, deputy, 29,  
     191i  
 court page, 44, 197  
 court reporter, 43, 197  
 drainage viewers, 100  
 education, state board of,  
     members, 339  
 election officials, 78, 79,  
     136, 322, 323, 325, 326, 329-  
     331, 333, 334  
 elisors, 43, 197, 229  
 fence viewers, 134  
 food inspectors, 133, 351  
 health commissioners, 352  
 health officer, 88, 133, 350-  
     352  
 highway supervisors, 133,  
     137, 373, 376

home demonstration agent,  
     381  
 hospital governing board,  
     members, 135, 195  
 inspector, weights and  
     measures, 133  
 of judges  
     circuit court, 185, 186,  
         228, 295  
     pro tem, 295  
 justices of the peace, 134  
 library board, members, 134,  
     195, 343, 29, 191i  
 listers, 6, 136  
 magistrates, 195  
 miners' examination board,  
     members, 134  
 notaries public, 195  
 overseers of the poor, 136  
 planning commission, mem-  
     bers, 134  
 political party restrictions,  
     249, 254, 259, 316  
 poor asylum superintendent,  
     133  
 poundkeeper, 136  
 primary election commis-  
     sioners, board of, mem-  
     bers, 78, 322, 323  
 probation officer, 43, 197  
 prosecuting attorney, 195,  
     238, 239  
 public health nurse, 88, 133, 354  
 public welfare department,  
     194, 362-364, 315i, 315ii,  
     315iv, 371i  
 recorder, 166, 167  
 registration officials, 316-  
     318  
 review, board of, members,  
     194, 249, 250, 29, 191i, 218  
 road superintendents, 377  
 road supervisors, district,  
     377



*Appointments (cont.)*

- road viewers, 10, 11, 96, 286
- school examiners, 339, 340
- school fund board, members, 194, 259, 294
- schools, superintendent of, 137, 339
- school trustees, 137
- of sheriff, 135, 225, 29iv
- surveyor, 7, 135, 372, 373
- tax adjustment, board of, members, 194, 254-256, 24, 29, 191i, 221i
- tax collector, 137, 268
- tobacco inspectors, 137, 195, 351
- treasurer, 6, 135, 137, 266, 267
- trustees, schools, 230
- Appraisements, 25, 159
  - estate and guardianship, 168, 169
  - inheritance taxes, 64, 244, 247, 174, 175, 213
  - intangible taxes, 84, 214
  - property taxes, 50, 53-56, 58, 61, 136, 245-247, 271, 288, 289
  - auditor's record, 296
- real estate, 296
  - farm land, 20
  - for school fund loans, 261
  - state land, 26, 101, 134, 298
  - school property, 247, 342
- Appraisers, *see* Appraisements
- Apprentices, 169, 201, 90
- Appropriations, 47-50, 24ii
  - auditor's accounts, 73, 282, 283, 262
  - estimates, *see* Budget
  - highway supervisor's accounts, 398
  - supplementary, 49, 61, 149, 150, 292
  - treasurer's accounts, 75, 270
  - unexpended, 49
- Argus of Western America*, newspaper, 7
- Armstrong, David, 107
- Army, U. S., *see* Military
- Arrests, 225, 228, 235
  - of county commissioners, 138
  - of sheriff, 236
  - warrants, 46, 226, 205
- Articles of incorporation, 298, 59, 86i
- Assessments, 48, 269
  - Canada thistle eradication, 285
  - ditches and drains, 37, 100, 171, 192, 285
  - flood gates, 285
  - notices, 59, 86x
  - roads, 97, 132, 286, 236
  - taxes, *see* Taxes, property
- Assessor, 26, 52, 54, 56, 64, 65, 79, 244-248
  - See also* Assessors, township
  - records of, 212-216
  - location of, 114
- Assessors, township
  - See also* Assessor
  - bonds, 313, 314
  - budget estimates, 48
  - enumerations by, 247, 297
  - tax duties, 51-56, 246, 288-290
  - dog tax, 65, 287
- Assignments
  - mortgages, 168, 80, 86
  - personal property, old-age assistance, 92
  - warrants, 74
- Associate judges, *see* Judges
- Asylum, poor, *see* Poor asylum
- Attachments, *see* Executions
- Attendance, school, 83-87, 261, 344, 338, 340, 344, 352, 355
- officer, 26, 28, 336, 337, 340, 341
- record of, 345
- teachers' reports, 338, 340, 344, 352

- Attorney, 33, 155  
     county, 26, 134  
     district, 27, 239  
     fees, 72, 196  
     prosecuting, *see* Prosecuting attorney  
     special, 195, 196  
 Attorney General, 65, 157, 243  
 Auditor, 26, 30, 34-36, 48, 51, 52, 54, 56-60, 62-65, 67, 69, 70, 72, 73, 75, 76, 79, 98, 103, 104, 277-300  
     records of, 253-323  
         location of, 115  
 Auditor, Indiana, *see* Indiana, State of  
 Audits  
     commissioners, board of, 135, 282  
     judges, circuit court, 76, 136  
     state examiners, 76, 254  
 Australian ballot system, 323, 325, 331  
 Automobile, *see* Motor vehicle  
 Awards  
     *See also* Disbursements  
     blind assistance, 93, 94, 362, 364  
     certificates, 380  
     withdrawal, 377  
     children's assistance, 93, 94, 362, 364  
     certificates, 315xviii, 315xix, 379  
     rejection notices, 315xvii  
     withdrawal certificates, 315xx, 377, 379  
     contracts, *see* Contracts  
     old-age assistance, 169, 364  
         certificates, 92, 365, 83, 84, 315xi, 315xii, 375, 376  
         reimbursements, 92, 365  
         withdrawal certificates, 315xiii, 377  
         pensions, old-age, 281, 297, 362, 373  
         receipts for repayment, welfare department, 382  
         recommendations, public welfare director, 370  
         scholarships, 136, 343  
 Bacteriological tests, 88  
 Bail, 46, 47, 226  
 Bailiffs, 26, 43, 226  
     fees, 72, 196  
 Ballots and ballot boxes, *see* Elections  
 Bankruptcy, *see* Receivership  
 Banks  
     checks, fraudulent, 211  
     depositories, *see* Depositories  
     shareholders, 155, 156  
     statements, 73, 258, 287  
     taxes, 64, 82, 269, 287  
 Bar admittance applications, 190i  
 Bastardy proceedings, 37, 192, 242  
 Batterson, Henry, 8  
 Bean Blossom Creek, 2, 7, 9, 13  
 Bean Blossom Township, 5, 7  
 Bedford silt loam, 12  
 Bedford stone, 15  
 Beef inspectors, 27, 133, 351  
 Ben Franklin, newspaper, 20  
 Benton Township, 7  
 Berry, Joseph, 7, 11, 109  
 Berry, Matthias, 9  
 Bibliography, 117-123  
 Biddle, William M., 14  
 Bids, 32, 99  
     affidavits of bidders, 99  
     courthouse, 106  
     jail, 110  
     material and supplies, 285  
     poor asylum, 8ii

*Bids (cont.)*

- record, county commissioners, 7
- roads and bridges, 10i, 18-ii, 19vi, 20iv, 21iv
- proofs of publication, 18iv, 20iii
- school bus operators, 34ii
- Big Creek, 14
- Bigger, James, 6
- Bills of sale, *see* Sales
- Births, *see* Vital statistics
- Blair, Abner, 6, 7
- Blair, Enos, 109
- Blake, Thomas H., 7
- Blind assistance, 93, 94, 362, 364
- See also* Public welfare, department of
  - applications, 372ii, 380
  - certificates, award and withdrawal, 377, 380
  - physicians' reports, 380
- Blind enumerations, 248, 297
- Blind schools, 87, 93
- Bloomington, 5-8, 10-12, 14-17, 19-22, 106
  - auditor, county, 278
  - country club, 21
  - maps and plats, 94, 98, 99, 215, 216, 321-323
  - mayor, 254
  - Republican*, newspaper, 19
  - schools, 21, 22
  - trustees, 254
  - Telephone*, newspaper, 93
  - Times*, 20
- Bloomington Township, 7, 51
- Boards, *see* descriptive words
  - in titles; Monroe County
- Bollenbacker, Peter, 16
- Bollman, Lewis, 109
- Bonds, 26, 29i
  - administrators and executors, 198, 199, 159, 163
  - sale of real estate, 165
- appeals, 283, 26, 29, 191ii, 192
- approval by
  - auditor, 244, 283, 288, 295, 328
  - clerk of the circuit court, 153, 199
  - commissioners, board of, 134, 135, 233, 265, 277, 295, 371
  - judge of circuit court, 154, 195, 199, 363
  - mandamus to compel, 34
- assessors, 244, 245, 295, 313, 314
- auditor, 134, 277-279, 26
- clerk of the circuit court, 134, 151, 153, 170, 59, 86ix
- collection agencies, 154, 195
- commissioners, sale of real estate, 165
- constable, 28, 29i
  - index, 25
- contractors, 99, 106
  - poor asylum supplies, 8iii
  - roads and bridges, 10ii, 19viii, 20v
- coroner, 135, 233, 234, 26
- cost, 26, 29, 191ii, 192
- election recount, 81
- Federal Farm Mortgage Corporation, 262
- ferrymen, 288
- guardianship, 199, 163, 164
  - sale of real estate, 165
- highway supervisor, 135
- index, 154, 25
- justices of the peace, 28, 29i
  - index, 25
- liquor dealers, 6
- notaries public, 154, 26, 27, 29i

- notaries public (cont.)*
- index, 25
  - prosecuting attorney, 195, 237, 238, 26
  - public welfare, director of, 195, 363, 26, 315iii
  - recognizance, 194, 200, 235, 103, 143, 148, 149, 204
  - forfeitures, 241, 242, 256
  - recorder, 135, 136, 26
  - revenue, 76, 77, 131, 149, 285
    - courthouse and jail, 99, 138
  - extension contracts, 285
  - Home Owners Loan Corporation, 262
  - interest, 76, 77
  - land purchase, 99, 101
  - notices by publication, 77
  - redeemed, 99, 285, 5
  - register, county commissioners, 4
  - remonstrances, 77, 285
  - roads and bridges, 69, 96
  - sale of, 77, 285
  - schools, retirement, 85
  - taxes and exemptions, 58, 64, 65
  - schools, superintendent of, 295, 338, 339
  - school trustees, 312, 314
  - sheriff, 135, 223, 225, 26
  - suits on, 34-36, 68, 135, 241, 266
  - surveyor, 135, 371, 372, 26
  - surviving partners, 170
  - township officials, 153, 294, 314
  - trustees, 295, 311, 314
  - treasurer, 6, 135, 265, 267, 26
- Bough, John, 109
- Bough, Joseph, 108
- Boundary charges, 132, 295, 296
- Bounties, 132, 298
- Bowland, James, 107, 109
- Brandon, Jesse, 19, 20
- Brands, *see* Marks and brands
- Bridges, 30, 35, 96-98, 131, 373
  - assessments, 97
  - bids, 20iv
  - contractors' bonds, 20v
  - estimates, 20ii
  - funds, 10, 96, 97
  - Gosport, Ind., 14
  - land for construction, 34
  - load limits, 98, 377
  - notices of acceptance, 20vi
  - orders for material, 401
  - petitions, 20i
  - plans and specifications, 97, 373, 393, 395
  - superintendent, 134, 377
- Brokers' licenses, 66, 155
- Brockville, Ind., 11
- Brown County, 1, 6
- Brown, Thomas, 5
- Budget, 52, 59, 61
  - appeals, 291
  - estimates, 48, 49, 131, 148, 149, 284, 24i
  - agricultural agent, 406
  - circuit court, 201
  - highway supervisor, 377
- Building and loan association
  - taxes, 64, 269
- Buildings
  - See also* Real estate
  - condemnation, 89, 133, 149, 287, 352
  - inspection, sanitation, 89, 352, 359
  - memorial, 99
  - public, *see* Public property
  - school, *see* Schools
- Burial, *see* Claims; Licenses
- Burton, John, 13
- Burton's mill, 11
- Buskirk, Michael, 6, 12
- Butler, E. T., 109



- Cain, Quinton N., 15
- Caldwell and Drake, contractors, 112
- Canada thistle eradication, 285
- Canals, 10, 156
- Candidates, *see* Elections
- Canvassers, board of, 29, 80, 81, 327-329
- See also* Elections
- records of, 328, 329
- location of, 116
- Carding machines, 14
- Carlton, A. B., 20
- Cash balances, 75
- See also* Funds; Statements, financial
- auditor, 282, 260
- clerk of the circuit court, 157, 50
- treasurer, 73, 75, 269, 270, 241, 242, 244
- Cashbooks, 75
- See also* Funds
- auditor, 282
- clerk of the circuit court, 157, 51-53
- recorder, 172
- sheriff, 207
- treasurer, 270
- Causes, *see* Chancery causes;
- Civil causes; Criminal causes; Dower proceedings; Equity causes; Estate causes; Guardianship causes; Insanity causes; Juvenile causes; Partition, real estate
- Cemeteries, 102
- burial permit preservation, 91
- deeds to lots, 59, 63
- index, 58
- fund, loans, 294
- tax exemptions, 58
- Valhalla Memorial Park map, 100
- Census, *see* Enumerations
- Central Oolitic Stone Company, 15
- Certificates
- apprentice discharges, 201
- birth, 89, 91, 358
- blind assistance, awards and withdrawals, 377, 380
- candidates' declarations, 325
- claims, public welfare, 387
- contracts, conformity to, 70, 71, 282
- death, 91
- dentists, 171, 37ii
- dependent children, awards, 315xviii, 315xix, 379
- withdrawal, 315xx, 377, 379
- distribution, auditor, 265
- election, *see* Elections
- enumerations, 297
- foreign corporation admittance, 170
- graduation, schools, 341
- hospital admittance, 316, 365ii
- insurance agents, 67, 155, 43
- marriage, 91, 30iii
- index, 31
- military discharges, 87
- motor vehicle titles, 51
- county owned, 91
- naturalization, 201
- of nomination, 326, 333
- notaries public qualifications, 195
- nurses, 66, 155, 37iv
- old-age assistance, awards, 92, 365, 83, 84, 315xi, 315xii, 375, 376
- withdrawals, 315xiii, 377
- optometrists, 37iii
- partnership, 39, 40

*Certificates (cont.)*

- patents, 155, 45
- pensions, old-age, 297
- petition signatures, 57, 291
- physicians, 37i
  - for marriage, 90
  - school attendance exemp-  
tion, 87
- school needs, 84, 342
- sheriff's sales, 200, 135
- tax errors, 269
- tax levies, 295, 24iii
- tax sale and redemptions,  
62, 63, 268, 293, 307
- title, school fund loan, 261
- trade names, 39, 40
- Chancery causes, 40, 41
- Change of venue, *see* Venue,  
change of
- Charitable institutions, tax  
exemptions, 50, 58, 253, 291,  
304
- Charities and corrections,  
board of, 28, 362
- Charters, 170
- Chattel mortgages, *see* Mort-  
gages
- Chauffeurs' licenses, 69, 227
- Checks, fraudulent, 211
- Chicago, Ill., 10
- Chicago, Indianapolis and  
Louisville Railroad, 10
- Children
  - See also* Juvenile causes
  - adoption, 37, 192
  - apprentices, 169, 201, 90
  - blind, 87, 93
  - crippled, 93, 372v
  - deaf, 87
  - delinquent, 87, 364
  - dependent, 93, 94, 362, 364
    - applications, 93, 372iii, 379
    - award certificates, 315-  
xviii, 315xix, 379
    - claim schedules, 315xxi
    - donations for, 365
    - foster home applications,  
372iv
    - investigators' reports,  
379
    - reimbursements, 365
    - rejections, 315xvii
    - withdrawal, 315xx, 377
  - diseased and defective, 94
  - enumerations, 297, 344, 344,  
359
  - guardians, board of, 28, 362
  - handicapped, 356, 364
  - health supervision, pre-  
school, 356, 366ii
  - neglected, 94, 362, 364
  - orphan, 94
  - poor asylum, 95
  - Riley hospital, 94, 152
  - commitment records, 113i,  
277
  - school, *see* Schools
  - tuberculosis, test consent,  
367
- Chiropractors' licenses, 66, 154
- Christian Record*, newspaper, 20
- Churches
  - closing by health officer, 35
  - exemptions, tax, 50, 58, 253,  
291, 304
  - officials, 59, 86iv
- Circuit court, 7, 29, 30, 37, 42,  
46, 64, 72, 81, 100, 103, 184-202
- appeals, *see* Appeals
- clerk, *see* Clerk of the cir-  
cuit court
- dockets, *see* Dockets
- judge, *see* Judges
- records of, 101-193
  - location of, 114
- Cities and towns
  - See also* specific names
  - annexation of lots, 133
  - cemetery conveyance to, 102

*Cities and towns (cont.)*

clerks, 316  
 courts, 38, 39, 193  
 elections, 318, 320, 321, 326,  
     329, 333, 334  
 funds held by county, 48  
 health officer, 351, 352  
 incorporation of, 133  
 leases, county property, 99  
 libraries, 343  
 maps and plats, 69  
 mayors, 256  
 parks, 39, 101, 194  
 property taxes, 53, 56, 60,  
     61, 291  
     exemption, 53  
 public works, board of, 39,  
     194  
 schools, *see* Schools  
 trustees, 256  
 Citizenship, *see* Naturalization  
 Civil causes  
     *See also* Probate causes  
     appeals, *see* Appeals  
     chancery causes, 40, 41  
     complete record of proceed-  
       ings  
     circuit court, 200, 138  
     common pleas, court of,  
       176  
     declaratory judgment pro-  
       ceedings, 37, 192  
     divorces, 37, 187, 192, 242  
     dockets  
       court, 120, 121  
       entry, 101, 102  
       execution, 129, 132, 133,  
       index, 130  
       issue, 101, 122  
       judgment, 125, 126  
       sheriff, 194, 198  
       support and alimony, 139  
     dower proceedings, 189  
     equity causes, 37, 187, 191,  
       192

## fee books

circuit court, 101, 140  
 common pleas, court of, 141  
 insanity, *see* Insanity causes  
 judgment, *see* Judgments  
 jurisdiction  
     circuit court, 30, 37, 39, 40,  
       187, 192  
     common pleas, court of,  
       40, 191  
     justices of the peace, 39  
     probate court, 40  
 jury instructions, 103, 106  
 juvenile, *see* Juvenile causes  
 order books  
     circuit court, 123  
     common pleas, court of, 124  
     original documents, circuit  
       court, 103, 107  
     index, 104, 105, 145  
     prosecuting attorney, 43, 240,  
       241  
     real estate partition, 37, 169,  
       189, 192  
     taxpayers' suits, 33, 34  
     titles to real estate, 138,  
       176  
 Civil engineers, *see* Engineers  
 Civilian Conservation Corps  
     applications, 372vi  
 Claims, 30, 70-72, 131, 1, 11, 12  
     *See also* Allowances  
     appeals, 71, 139, 282  
     appropriation, 71  
     conciliation, courts of, 191,  
       192  
     on contracts, 70, 71, 108  
     disallowed, 33, 34, 70  
     dockets, *see* Dockets  
     dog fund, 282  
     estate causes, 159, 162  
     filing of, 282  
     illegal, 35  
     institutional care, state, 141

*Claims (cont.)*

- on judgments, 71, 78
- mandamus to compel action, 34
- material and supplies, 70
- notices by publication, 70, 282
- poor relief, *see* Poor relief
- public welfare, 384ii
  - burial, 94, 95, 315xv
  - register, certification, 387
  - reimbursement, 315xvi, 385ii, 388
  - salaries, 315viii
  - schedules, 315xxi
- restrictions, 149
- salaries, *see* Salaries
- settlements, auditor, 73, 283
- tax refund, 131, 293
- transportation of prisoners, 14i
- travel allowances, sheriff, 279
- venue, change of, 275
- veterans' burial, 2, 11, 13, 15
- Clark, Gen. George Rogers, 3
- Clark County, 4, 24
- Clear Creek, 2, 7, 11, 12, 14
- Clear Creek Township, 5, 7, 15
- Clerk
  - canvassers, board of, 80, 327
  - cities and towns, 316
  - commissioners, board of, 139
  - common pleas, court of, 42, 201
  - old-age pension board, 281, 297
  - poll, 27, 78, 79, 325, 331, 332, 334
  - probate court, 42, 201
  - registration, 27, 317
  - supreme court, 186
- Clerk of the circuit court, 6, 26, 30, 36, 42, 46, 65, 69, 76, 78-81, 90, 91, 98, 150-157
- records of, 25-56, 151
  - location of, 112
- Collection agency bonds, 154, 195
- Colleges, tax exemption, 58
- Columbus, Ind., 11
- Commissions
  - county, *see* descriptive words in titles
  - depository, 72, 258
  - state, *see* Indiana, State of
- Commissioners
  - bonds to sell real estate, 165
  - county, *see* Commissioners, board of, county
  - county seat, 6
  - drainage, 136, 373
  - of elections, *see* Election commissioners, board of; Primary election commissioners, board of
  - election recount, 81
  - health, 26, 352
  - jury, 27, 43, 197, 201
  - master, fees, 72, 196
  - motor vehicle, 228
  - parks, city, 39
  - record replacement, 104
  - registration, 28, 318
  - road, 136
  - school, 26, 156, 256, 260
- Commissioners, board of, county, 6-8, 11, 15, 16, 28, 30, 32-36, 47, 51, 68-72, 74-76, 79, 80, 83, 95, 96, 98-112, 129-139
- appeals, *see* Appeals
- dockets, *see* Dockets
- records of, 1-22
  - location of, 112
- Common pleas, court of, 29, 37, 190, 191, 239
- appeals, 42, 187, 191
- clerk, 42, 201



*Common pleas, court of (cont.)*

- complete record of proceedings, 176
- district, 190, 239
- dockets, *see* Dockets
- fee book, 141
- judges, 190, 191
- jurisdiction, 40, 41, 191
- order book, 124
- Common school fund, *see* School funds
- Community houses, 99
- Complaints, circuit court, 103, 134i
- Complete record of proceedings circuit court, 200, 138
  - common pleas, court of, 176
- Conciliation, courts of, 29, 41
- Condemnation
  - buildings, 39, 352
  - school, 138, 149, 287
  - land, 34
- Congress, United States, 5, 10, 77, 325
- Congressional Township, *see* School funds
- Connecticut, State of, 3
- Conservation, state department of, 101
- Constables, 42, 136
  - bonds, 28, 29i
  - index, 25
- Constitutions, Indiana, *see* Indiana, State of
- Contagious diseases, *see* Vital statistics
- Contempt of court, 39, 194
- Contracts, 32, 33, 59, 86iii
  - bidders' affidavits, 99
  - bids, *see* Bids
  - bond extension, 285
  - bonds of contractors, *see* Bonds
  - buildings, public, 99
  - courthouses, 106-108
  - jails, 108-110
  - library, 108
- certificates of conformity, 70, 71, 282
- claims on, 70, 71, 108
- corn and hog reduction, 408
- by county agent, 280
- illegal, 35
- material and supplies, 32, 285
- mineral rights, 169, 86, 89
- pauper support, 156
- releases, 80, 86
- restrictions, 50, 149
- rights-of-way, 100, 86, 89
- roads and bridges, 10iii, 18iii, 19vii, 21v
- sales, 60viii
- teachers, 341
- waiving liens, 80, 86
- Convention, party, 77, 323, 325, 333
- Corduroy roads, 11
- Corn growers' association, 380
- Corn reduction contracts, 408
- Coroner, 26, 30, 43-46, 79, 233-236
  - inquests, circuit court, 108, 109
  - record of, 209
  - location of, 114
- Corporations
  - articles, 298, 59, 86i
  - charters, 170
  - foreign, 170
  - municipal, tax levies, 60, 61, 292
  - statements, 294, 295
  - stocks and bonds, 61, 64
- Corydon, Ind., 19
- Cost bonds, 26, 29, 191ii, 192
- Council, city, 85
- Council, county, 29, 30, 32, 33, 35, 47, 48, 52, 59, 71, 76, 77, 79, 96, 97, 99, 101, 146-150
- records of, 23, 24
  - location of, 112

Councilmanic districts, 146

## Counties

bounding Monroe, 1

creation, modification, and  
abolishment, 5, 6, 23-25

County reform law, 30, 146

County seat, 6, 139

*Courier*, The, newspaper, 93

Court dockets, *see* Dockets

Courthouses, 14, 98, 99, 105-108,  
112, 138, 149

plans and profiles, 106, 107,  
112, 396

Court page, 27, 44, 72, 196, 197

Court reporter, 27, 43, 72, 196,  
197

Courts, *see* Circuit court; Com-  
mon pleas, court of; Con-  
ciliation, courts of; In-  
diana, State of; Juvenile  
court; Magistrates court;  
Probate court

Craig, William, 10

Crawford upland, 1

## Criminal causes

affidavits, *see* Affidavits

appeals, *see* Appeals

change of venue, *see* Venue,  
change of

## dockets

clerk, 151

court, 120, 121, 150

issue, 122

judgment, 125, 126, 153

sheriff, 194, 195, 198

suspended sentence, 152

## fee books

circuit court, 140, 142

common pleas, court of,  
141

fees, prosecuting attorney,  
237, 243, 259

fraudulent checks, 211

indictments, *see* Grand jury

investigations, 43, 44, 197,  
240

judgments, *see* Judgments

## jurisdiction

circuit court, 30, 37, 187,  
192

common pleas, court of,  
40, 191

justices of the peace, 39,  
187

jury instructions, 103, 106,  
144

juvenile, *see* Juvenile causes

## order books

circuit court, 123

common pleas, court of, 124

original documents, circuit  
court, 103, 143, 210

index, 104, 105, 145

probation officer, 27, 43, 197,  
364, 365, 182, 190iii

prosecution, 43-45, 197, 239, 241

rights of accused, 46, 47

sentences, 39, 194

verdicts, 47, 210

Crippled children, *see* Children

Crossings, railroad, 242

Culverts, 34, 98, 131, 373, 377

load limits, 98, 377

orders for material, 401

Custody of funds in general,  
72-76

Dairy products, inspection,  
88, 89

Davidson, C., 20

Deaf and dumb, 247, 248, 297

schools, 87

Deal, Marcus L., 19

Dearborn County, 24

Deaths, *see* Inquests; Vital  
statistics

Decedents' estates, *see* Estate  
causes

- Declarations  
     of candidacy, 325  
     for naturalization, 201, 114  
 Declaratory judgment proceedings, 37, 192  
 Decrees, *see* Judgments  
 Deeds, 36, 55, 167, 59, 60i  
     cemetery lots, 59, 63  
     guardians, 60ii  
     index, 58  
     quitclaim, 294, 59, 60iii, 62  
     sheriff, 59, 61  
     tax, *see* Taxes, property  
 Delaware Indians, 4  
 Delinquency, juvenile, *see*  
     Children; Juvenile causes  
 Delinquent taxes, *see* Taxes,  
     property  
 Demotte, L. M., 20  
 Dentists  
     certificates, registration,  
         171, 37ii  
     licenses, 66, 154, 35  
 Dependent children, *see* Chil-  
     dren  
 Depositions, 199  
 Depositories, 157, 257, 269  
     act, 257  
     balances, 73, 241  
     commission, 72, 258  
     deposit and withdrawal rec-  
         ord, 250  
     proposals, 72, 258  
     resignation, 73  
     statements, 73, 258, 223  
     tax funds, 75  
 Destroyed records, *see* Records  
 Devar, Jesse, 16  
 Diphtheria toxoid, 89  
 Director, public welfare, *see*  
     Public welfare  
 Disbursements  
     *See also* Awards; Funds  
     accounts, auditor, 262, 264,  
         272, 273, 285, 288, 289  
     agricultural agent board, 380  
     auditor's warrants, 71-74,  
         149, 268, 270, 283, 243, 271-  
         274, 284  
     court and judgment claims,  
         284  
     humane funds, 298  
     mandamus for, 34, 283  
     school funds, 342, 244, 243,  
         249, 252  
     tax refund, 293  
     treasurer's record, 243  
     certificates of distribution,  
         auditor, 265  
     clerk of the circuit court,  
         156, 157, 50, 51, 53  
     welfare funds, 274  
     highway supervisor, 397, 398  
     poor relief, *see* Poor relief  
     public welfare, *see* Public  
         welfare  
     salaries, *see* Salaries  
     school funds, *see* School funds  
     sheriff, 207  
     state funds, 48, 69, 70  
         taxes to state, 76, 270, 294  
     township trustees, 281, 282,  
         280  
     dog fund, 257  
     vouchers, 253  
     treasurer's accounts, 72, 267,  
         268, 270, 281, 243, 244, 246,  
         248-250  
 Discharges  
     apprentice, 201  
     insanity, 152  
     military, 169, 87  
 Diseases, *see* Vital statistics  
 Distribution certificates, au-  
     ditor, 265  
 District attorney, 27, 239  
 Ditches and drains  
     assessments, 37, 100, 171, 192  
     duplicates, 100, 285  
     commissioners, 136, 373

*Ditches and drains (cont.)*

districts, 37, 100, 192  
 land for construction, 34  
 maps and plats, 100  
 petitions, 100, 286  
 plans and specifications,  
     100, 373  
 surveys, 100  
 viewers, 100, 286  
 Divorce, *see* Civil causes  
 Dockets, 199  
     claim and allowance  
         circuit court, 154, 155,  
         158  
         commissioners, 70, 1  
     clerk's, circuit court, 151  
     court, circuit court, 120,  
         121, 150, 171-173, 180  
     entry  
         circuit court, 101, 102  
         commissioners, 1  
     estate entry, circuit court,  
         154, 155  
     execution  
         circuit court, 129, 132,  
         index, 130  
         common pleas, court of,  
         133  
         sheriff, 199  
     guardianship entry, circuit  
         court, 156, 157  
     issue, circuit court, 101,  
         122  
     judgment  
         circuit court, 125, 153  
         common pleas, court of, 126  
     juvenile, 180, 197  
     sheriff  
         circuit court, 194, 195  
         common pleas, court of, 198  
         execution, 199  
         juvenile, 197  
     support and alimony, 139  
     suspended sentence, 152  
 Dogs and kennels

hydrophobia control, 223, 353  
 taxes, 65, 85, 227, 287  
 trustees' reports, dog fund,  
     282, 257  
 Donations, 280  
     for dependent children, 365  
     health officer, 351  
     land, 100, 101  
 Dower proceedings, 189  
 Drainage, *see* Ditches and drains  
 Drug inspections, 88, 89, 352  
 Drugless healers' licenses, 66,  
     154  
 Dunning, Samuel, 108  
 Duplicate, tax, *see* Taxes,  
     property  
 Easements, 100, 59, 86x  
     disputes, notices of, 170  
 Edmundson, William, 5  
 Education, board of, 29, 86,  
     335-337  
     *See also* Schools  
         record of, 331  
         location of, 116  
 Education, board of, city and  
     town, 256  
 Education, state board of, 84,  
     86, 87, 336, 339-341, 344, 381  
 Effingham, Ill., 10  
 Ejectment, 198  
 Election commissioners, board  
     of, 29, 78-80, 329-334  
     records of, 329, 330  
     location of, 116  
 Election commissioners, state  
     board of, 321  
 Elections, 30, 77-81, 280  
     *See also* Canvassers, board of;  
     Election commissioners,  
     board of; Primary election  
     commissioners, board of;  
     Registration officer; Vot-  
     ers



*Elections (cont.)*

assessors, 79, 244-246  
 auditor, 79, 277-279  
 ballot boxes, 80, 132, 331, 332  
 ballots, 327, 329, 331  
     absent voters, 80, 327, 330  
     Australian system, 323, 325,  
         331  
     canvass watchers, 81  
     destruction, 326  
     preparation and distri-  
         bution, 78, 79, 324, 331-  
         333, 326ii, 329  
     sample, 326ii, 329  
 booths, 132  
 boundary changes, 295, 296  
 candidates  
     declarations, 325  
     nominations, 77, 323-326, 333  
     petitions, 324-326, 333  
     statements, expense, 81  
 certificates, 80, 81, 129, 146,  
     244, 324, 326-329, 331, 332  
     officials, church and  
         lodge, 59, 86iv  
 challengers, 79, 334  
 city, 318, 320, 321, 326, 329,  
     333, 334  
 clerk of the circuit court,  
     79, 151, 152  
 commissioners, board of,  
     county, members, 6, 79,  
     129, 130  
 Congress, members of, 77, 325  
 constitutional amendments,  
     327, 328  
 contests, 37, 192, 296  
 coroner, 79, 233  
 council, county, members,  
     79, 146  
 counties, creation of new,  
     25  
 district attorney, 239  
 election judges, 27, 78, 79,  
     325, 327, 331, 333, 334

election sheriffs, 27, 78, 79,  
     325, 333, 334  
 expenses of conducting, 326  
 fees of officials, 151, 152  
     326, 329, 330, 334  
 general assembly, Indiana,  
     members, 25, 77, 325  
 incorporating towns, 133  
 inspectors of, 27, 78, 79, 136,  
     296, 319, 325, 327, 330, 331,  
     333, 334  
 of judges  
     circuit court, 79, 184-187,  
         325  
     common pleas, court of, 190  
     probate court, 139  
     justices of the peace, 39, 325  
     local option, 281, 296  
     notices, 227, 331, 332  
     petitions, *see* Petitions  
 poll books, political par-  
     ties, 78-80, 296, 325, 329,  
     330, 332, 334  
 poll clerks, 27, 78, 79, 325,  
     331, 333, 334  
 polling places, 80, 332  
 precincts, 80, 132, 331-333  
     board, 29, 79, 324, 327  
     committeemen, 77, 323, 324  
     registration board, 29, 317,  
         318  
 prosecuting attorney, 79, 236,  
     237, 239, 325  
 recorder, 79, 165-167  
 recount, 81  
 returns, 80, 295, 296, 327-329,  
     330, 323, 329  
 school commissioners, 260  
     of sheriff, 79, 223, 225  
 special, 77, 78, 80, 318, 334  
 superintendent of schools,  
     86, 295, 337, 339  
 surveyor, 79, 371, 372  
 tally sheets, 80, 81, 327-329

*Elections (cont.)*

town, 333  
 treasurer, 79, 265, 268  
 trustees, school section, 260  
 voting machines, 80, 132, 332  
 Elisors, 43, 197, 229  
 Ellett, Edward, 13  
 Ellettsville, Ind., 5, 13, 14, 22  
     *Republican*, newspaper, 20  
 Elliot, Samuel, 106  
 Eminent domain, 34, 37, 100, 131,  
     192

Endowment fund, Indiana Uni-  
 versity, 83, 260-262

Engineers, 26, 134, 372, 373  
     roads and bridges, 98  
     estimates, 19v, 20ii

## Enrollment

Four-H clubs, 406, 407  
 Indiana University, 19, 21  
     school children, 17, 18, 21, 354  
 Entry book, recorder, 171, 57  
 Entry dockets, 1, 101, 102

## Enumerations

blind, 248, 297  
 children, 297, 344, 344, 359  
 deaf and dumb, 247, 248, 297  
 employees, industrial, 21  
 females, 20  
 insane, 248, 297  
 males, 20, 268, 296, 297, 317  
 negroes, 20, 297, 317  
 polls, taxable, 51, 287  
 soldiers, sailors, and ma-  
     rines, 156, 297

Epidemics, diseases, 353

Epilepsy, 152, 200

inquests, 113iii

Equalization, board of, 28

Equity causes, 37, 187, 191, 192

Estate causes, 30, 199

*See also* Probate causes

appeals, *see* Appeals

appraisements

personal property, 168

inheritance tax, 64, 244, 247,  
     174, 175, 213

claims, 159, 162

## dockets

claim and allowance, 154,  
     155, 158

court, 120, 171, 172

entry, 154, 155

sheriff, 198

escheated estates, 82

fee books, circuit court,  
     154, 177, 179

inventories, 159, 168

## jurisdiction

circuit court, 37, 41, 187, 192

common pleas, court of,  
     41, 191

probate court, 41, 189

letters, 198, 199, 163

order book, circuit court, 174

original documents, circuit  
     court, 159

index, 160

prosecuting attorney, 242

sale bills, 170

## Estimates

bridge and road, 377, 19v, 20ii  
 budget, *see* Budget

Estrays, 156, 49

poundkeeper, 136

Evans, Abner, 5, 13

Examiner, state, *see* Indiana,  
     State of

Examiners, school, 26, 339, 340

Excise taxes, *see* Taxes, excise

Executions, 30, 42, 46, 196, 225-229

appellate court orders, 226

attachments, 198, 131, 134ii

commissioners, board of,  
     orders, 138

coroner, 236

council, county, orders, 150

dockets, *see* Dockets

election process, 328, 334

*Executions (cont.)*

- fees, sheriff, 72, 196, 228, 229, 281
- gross income tax, collection warrants, 152, 200, 227
- justices of the peace judgment, 127
- lis pendens, *see* Lis pendens
- notes by county, 76
- praecipies, 128
- sheriffs' sales, *see* Sales
- warrants of arrest, 46, 226

**Executors**

*See also* Probate causes

- applications, 159
- bonds, *see* Bonds
- inventories, 159, 168
- oaths and letters, 198, 199, 163
- reports, 159, 161

Expenditures, *see* Disbursements

Explanatory notes, 126-128

Express companies, statements, 170,

Eye examinations, 89, 90, 380

Fairgrounds, 101, 102

Farmer, Eli P., 20

Farmer, Henry, 16

Farmers' organizations, 102, 103, 380, 381, 405ii, 406, 407

Farms, 20

names, 169, 88

*Far West*, newspaper, 19

Federal Farm Mortgage Corporation, bonds, 262

**Feeble mindedness**

- court allowance, 276
- Fort Wayne state school, 152, 260
- inquests, 113ii

**Fee books**

*See also* Funds

auditor, 282, 261

**civil causes**

- circuit court, 101, 140
- common pleas, court of, 141

**criminal causes**

- circuit court, 140, 142
- common pleas, court of, 141

**estate causes, circuit**

court, 154, 177, 179

guardianship causes, circuit court, 156, 178, 179

juvenile causes, 184

recorder, 172, 57, 92

sheriff, 207

**Fees, 68, 69**

*See also* Allowances; Funds

appraisements, inheritance tax, 244

attorney, 72, 196

auditor, 278

bailiffs, 72, 196

clerk of the circuit court, 152, 157, 258, 281, 54

commissioners, master, 72, 196

coroner, inquests, 233, 234, 209

court page, 72, 196

court reporter, 72, 196

dockets, *see* Dockets

election officials, 151, 152, 326, 329, 330, 334

foreign merchandise vendor, licenses, 267

hunting and fishing licenses, 152

illegal, 68

jury, 69, 72, 196, 281

justices of the peace, 282, 256

liquor licenses, 8, 267

prosecuting attorney, 287, 243, 259

*Fees (cont.)*

- quietuses for, 69, 281
  - recorder, 166, 172
  - registration officer, 317
  - reports to auditor, 255
  - school fund loans, 259
  - sheriff, 72, 196, 224, 228, 229, 281
  - show licenses, 267
  - surveyor, 372, 374
  - treasurer, 267, 270, 281
    - tax collection, 266
  - unclaimed, 69, 281
  - witness, 72, 196, 233, 54, 56
- Felonies**, 45, 46, 240
- Females**, enumeration of, 20
- Fence**
- hedge, cutting, 98, 242
  - marks, 170
  - viewers, 134
- Ferrets**, tax, 28, 134
- Ferries**, 9, 67, 68, 133, 139, 288
- Field notes**, 170, 374, 68, 390
- Finance**, board of, 28, 72, 73, 257, 258
- records of, 222, 223
    - location of, 114
- Financial institutions**, *see*
- Banks; Depositories;
  - Taxes, excise
- Financial reports**
- See also* Funds; Reports
- auditor, dog fund, 282
  - clerk of the circuit court, 69, 157, 281
  - examiners, board of accounts, 281, 254
  - fees and fines
    - justices of the peace, 282, 256
    - prosecuting attorney, 259
    - recorder, 172
    - reports to auditor, 255
  - fire insurance premiums and losses, 297
  - highway supervisor, 378
  - intangible tax, stamp sales, 235
  - public welfare, department of, 315ix, 381
  - school funds
    - by auditor, 263, 281, 342, 286, 332, 334
    - cities and towns, 342
    - by commissioners, board of, 263
    - by school superintendent, 342, 333, 344
    - by treasurer, 263
    - by trustees, 342, 336, 339
  - sheriff, 69, 229, 281
  - township trustees' receipts and disbursements, 281, 282
  - dog taxes, 257
  - poor relief, 230
  - by treasurer, 64, 69, 75, 108, 133, 269, 281
- Fines**, 46, 47, 157, 228, 281
- clerk's record, 51, 55
  - justices of the peace, 37, 39, 187, 256
  - school fund, 17, 82, 267
- Finley, George and Company**, contractors, 110
- Firearms**, *see* Licenses; Sales
- Fire insurance**, *see* Insurance
- Fireworks permits**, 228
- Firm and partnership names**, 155, 156, 170, 39, 40
- Fishing licenses**, 66, 152, 154
- veterans, 48
- Fixture sales**, 168
- Flood gate assessments**, 285
- Flour inspection**, 27, 133, 351
- Flour mills**, 14
- Food inspection**, 27, 88, 89, 133, 351, 352, 359
- Foreclosure sales**, *see* Sales



- Forest land  
     assessment, 22, 290  
     public, purchase and acceptance, 22, 137, 149
- Forfeitures  
     land to state, 294, 298  
     recognizance bonds, 47, 82, 241, 242, 256  
     taxes, 308
- Fort Wayne, 3  
     state school for feeble minded, 152, 200
- Foster home applications, 372iv
- Foundries, 13, 14
- Four-H clubs, 102, 103, 331, 405ii, 406, 407
- Franklin, Ind., 11
- Franklin County, 24
- Fraternal organizations, tax exemptions, 58, 253, 291, 304
- Frederick silt loam, 12
- French and Indian War, 3
- Funds  
     *See also* Allowances; Appropriations; Cash balances; Cashbooks; Disbursements; Fee books; Fees; Financial reports; Receipt of funds; School funds  
     custody and disbursement in general, 72-76  
     general fund, county, 49, 70, 75, 84, 102, 321  
     auditor's accounts, 260-285  
     treasurer's accounts, 241-250  
     sinking fund, 77  
     state, *see* Indiana, State of
- Furniture manufacturing, 14, 21
- Gambling losses, suits to recover, 242
- Garnishment, 198
- Gasoline taxes, 50, 69
- General assemblies, *see* Indiana, State of; Indiana Territory
- General elections, *see* Elections
- General fund, county, *see* Funds
- Gibson County, 24
- Gilbert, Nathaniel, 5
- Gilbert, Richard, 14
- Gosport, Ind., 2, 4, 14
- Governmental organization and records system, 23-105
- Governors, *see* Indiana, State of; Indiana Territory; Northwest Territory
- Graduates, school, 341, 353, 358
- Graham, Robert, 5
- Grand jury  
     bailiffs, 196  
     impaneling of, 44, 197, 201, 280  
     indictments, 45, 46, 200, 226, 240, 241, 143, 147  
     jail inspections, 47, 190ii  
     removal of officials, 130, 147, 152, 166, 224, 234, 244, 250, 255, 259, 266, 278, 323, 330, 339, 372
- Gravel roads, *see* Roads
- Greene County, 1, 2
- Greenville, treaty of, 2, 4
- Griffith's mill, 9
- Grist mills, 13, 14
- Gross income tax, collection warrants, 152, 200, 227, 206
- Guardianship causes, 199  
     *See also* Probate causes  
     appeals, *see* Appeals  
     appraisers' reports, 159  
     bonds, *see* Bonds  
     deeds of guardians, 60ii  
     dockets  
     court, 120, 171, 173

*dockets (cont.)*

entry, 156, 157  
 sheriff, 198  
 fee book, circuit court, 156,  
 178, 179  
 inventories, 159, 169  
 jurisdiction  
   circuit court, 37, 41, 187,  
   192  
   common pleas, court of,  
   41, 191  
   probate court, 41, 189  
 oaths and letters, 198, 199,  
 163, 164  
 order book, circuit court,  
 174  
 original documents, circuit  
 court, 159  
   index, 160  
 proofs of publication, 159  
 reports, 159, 161  
 sale bills, 170

Habeas corpus, 37, 47, 192, 198

Hagerstown loam, 12

Hall, Rev. Baynard R., 18

*Hall of Liberty*, newspaper, 7

Hamilton, Robert, 7, 13, 14

Hamilton's mill, 11

Hardesty, Samuel, 109

Hardesty and Graham, 110

Hardin, William, 10

Harris, William, 5

Harrison County, 24

Harrodsburg, Ind., 1

Hartsock, Samuel, 13

Hay inspectors, 27, 133, 351

# Health

board of, county, 29, 352  
 certificates, marriage, 90  
 commissioners, 26, 352  
 districts, 351, 356  
   superintendent nurse, 356  
 nurse, *see* Public health  
   nurse

and physical education, bu-  
 reau of, 88, 89  
 state board of, 88-92, 350-353,  
 355, 359

# Health officer

cities, 351, 352

district, 351

Health officer, county, 26,  
 88-92, 350-353

*See also* Public health nurse

records of, 360-363

location of, 116

Hedge fence cutting, 98, 242

Hedges, J., 5

Henrie, Arthur, 5

*Herald*, newspaper, 20

Herryman, Samuel, 108

Hester, Craven P., 12

High schools, *see* Schools

Highways, *see* Roads

Highway supervisor, 26, 98,  
 376-378

*See also* Roads

records of, 397-403

location of, 116

Hill, Nathan, 9

Hindustan, Ind., 1

Historical sketch, 1-22

Hite, John, 16

Hog reduction contracts, 408

Home demonstration agent, 27,  
 102, 381, 405

Home Owners Loan Corpora-  
 tion, bonds, 262

Honeycreek School, 22

Hoosier National Forest, 22

Horse racing, 242

Horticultural societies, 380

Hospitals, 22, 90, 132

governing board, 29, 135, 195

health reports, 92

Indiana University, 37, 192, 242  
 certificates of admit-  
 tance, 316

*Hospitals (cont.)*

- insanity, 111, 112
- Riley hospital, *see* Children sanitarium, tuberculosis, 365
- Hughes, James, 20
- Humane societies and funds, 298
- Hunter, Morton C., Company, 15
- Hunting licenses, 66, 152, 154
  - veterans, 48
- Hydrophobia, 228, 353
- Illinois, County of, 3
- Illinois Central Railroad, 10
- Income tax, collection war-rants, 152, 200, 227, 206
- Incorporation, articles of, 298, 59, 86i
- Indentures, apprentices, 169, 201, 90
- Independent Tribune and Monroe County Farmer*, 20
- Indiana, State of
  - accounts, board of
    - examiners' reports, 281, 254
    - forms prescribed by, 73, 157, 173, 201, 202, 243, 270, 298-300
    - records system approval, 103, 133, 283
  - administrative building
    - council, 132
  - admittance to Union, 4
  - agricultural agent board, 379, 380
  - appellate court, 39, 42, 194, 226
  - attorney general, 65, 157, 243
  - auditor, 263, 293, 297
    - dog fund, 85
    - tax abstracts, 61, 62, 292
  - claims against, for institu-tional care, 14
  - communicable diseases,
    - bureau of, 89
  - conservation, department of, 101
  - constitutional amendments, 327, 328
  - Constitution of 1816, 24
    - county creation, 25
    - offices created by, 151, 166, 186, 187, 223, 233
    - seminaries, 17
  - Constitution of 1851, 44
    - agricultural provisions, 102
    - county creation, 25
    - courts, 46
    - elections, 25, 79, 317, 332
    - offices created by, 151, 165, 184, 223, 233, 236, 239, 265, 277, 371
    - public debt, 76
    - school funds, 18, 30, 82
    - taxes, 50
  - county agricultural agent
    - board, 379, 380
  - education, board of, 84, 86, 87, 336, 339-341, 344, 381
  - election commissioners, 321
  - epileptics, village for, 152
  - examiner
    - allowances, prisoners' meals, 224
  - audits, 76
  - commission on public rec-ords, 105
  - tax adjustment board, em-ployment by, 255
  - fire marshal, 228
  - general assembly, 42, 77, 156
    - appointments, 239
    - conciliation, courts of, 191
    - counties, creation of, 5, 23-25
    - election of judges, 186
    - elections, 332

*general assembly (cont.)*

members, election of, 25,  
     77, 325  
 poor relief, 15  
 records system, county,  
     103, 104  
 roads and bridges, 10  
 schools, 18, 82, 83, 86, 87  
 tax assessment and ex-  
     emptions, 58, 82  
 voters' registration, 79,  
     317  
 waterways, 9  
 governor, 18  
     appointments, 185, 186, 238,  
         239, 260, 339, 373  
     clemency powers, 47  
     commission on unemploy-  
         ment relief, 258  
     commissions of officials,  
         151, 165, 184, 186, 223, 233,  
         236, 265, 277, 371  
     election duties, 78  
     highway designation, 97  
     park acceptance, 101  
     record preservation, 104,  
         105, 383  
 health, board of, 88-92, 350-  
     353, 355, 359  
 health and physical educa-  
     tion, bureau of, 88, 89  
 highway commission, 69, 97  
 historical bureau, 105, 383  
 industrial board, 227  
 judicial circuits, 37, 184,  
     188, 236, 239  
 land, 10  
     appraisement, 26, 101, 134,  
         298  
     maps and plats, 298  
     parks, 101  
     purchase by county, 101  
     sales, 10, 81, 82, 101, 298  
     school, *see* School lands  
 library, 104, 105, 383, 384

medical examination board,  
     243  
 motor vehicle  
     bureau of, 36  
     commissioner, 228  
     highway account, 69, 97  
 National Guard, 58  
 public instruction superin-  
     tendent of, 86, 263, 295,  
         297, 339, 340, 343, 344  
     reports, auditor, 286  
 public records, commission  
     on, 105, 383  
 public safety, department  
     of, 227, 228, 235  
 public welfare, department  
     of, 48, 92, 94, 95, 297, 363-366  
     reports, auditor, 258  
 roads and bridges, 10, 11, 21,  
     97, 394  
 sanitarium, tuberculosis, 365  
 school funds, *see* School funds  
 schools  
     attendance officer, 87  
     blind and deaf, 87  
     feeble minded, Fort Wayne,  
         152, 200  
 secretary of state, 105, 325,  
     383  
 seminary, 17, 18  
 supreme court, 226  
     appeals, *see* Appeals  
     appointments, special  
         judges, 186  
     decisions, 42, 186, 187  
     removal of judges, circuit  
         court, 185  
     removal of prosecuting at-  
         torney, 237, 238  
 tax commissioners, board  
     of, 226  
     appeals, *see* Appeals  
     assessments for taxes, 52,  
         54-57, 247, 251, 253, 291, 212



- tax commissioners, board of (cont.)*  
 bond issues, 76, 77, 285  
 budget and levies, 49, 59,  
 60, 291, 292  
 financial institutions,  
 taxes, 64  
 inheritance tax, 64  
 instructions and forms  
 prescribed by, 290  
 intangible tax, 65, 269  
 removal of assessor, 54,  
 245  
 tax settlements, 75, 76, 270  
 teachers' retirement fund,  
 338, 341  
 treasurer  
 gross income tax, collec-  
 tion warrants, 152, 200,  
 227, 206  
 inheritance tax, 64  
 school funds, 82, 261  
 unemployment compensation  
 board, 227  
 unemployment relief com-  
 mission, reports to, 258  
 university, 19, 21  
 hospitals, *see* Hospitals  
 library, housing of county  
 records, 114, 115  
 permanent endowment fund,  
 83, 260-262  
 scholarships, 136, 343  
 trustees, 261  
 venereal diseases, bureau  
 of, 89  
 vital statistics, bureau of,  
 90  
 waterway designations, 9  
*Indiana Gazette, 19*  
*Indianapolis, Ind., 10, 19*  
*Indiana Territory, 3, 10, 24*  
*Indian Creek, 2*  
*Indian Creek Township, 7*  
*Indians, 2-4, 6, 9*  
*Indictments, see Grand jury*  
 Industrial board, state, 227  
 Infant eye infection, 89, 90  
 Inheritance tax, *see* Taxes,  
 excise  
 Injunctions, 35, 37, 39, 192, 194  
 horse racing, 242  
 warrant payment, 49  
 Inquests  
 death, 44, 46, 200, 234, 235,  
 108, 109, 209  
 coroners' fees, 233, 234, 209  
 justices of the peace, 235  
 epilepsy, 113iii  
 feeble mindedness, 113ii  
 insanity, 37, 74, 187, 191, 192,  
 284, 110, 111, 276  
 Insane, enumerations, 248, 297  
 Insanity causes  
 commitment and discharges,  
 37, 152, 200, 111, 112  
 inquests, 37, 74, 187, 191, 192,  
 284, 110, 111, 276  
 prosecuting attorney, 242  
 Inspections  
 bacteriological test, 88  
 budget estimates, 48  
 buildings, sanitation, 89,  
 352, 359  
 dairy products, 88, 89  
 drug, 88, 89, 352  
 election inspectors, *see*  
 Elections  
 food, 27, 88, 89, 133, 351, 352,  
 359  
 hay, 27, 133, 351  
 institutions, 362  
 jail, 47, 132, 190ii  
 misbranding, 89  
 poor asylum, 132  
 registration inspectors, 27,  
 296, 317  
 road viewers, 96  
 schools, 86, 87, 344  
 reports, 334

*Inspections (cont.)*

tobacco, 28, 137, 195, 351  
 water, 88, 89, 352, 359  
 weights and measures, 26,  
 133

Inspectors, *see* Inspections

## Institutes

farmers, 102, 380, 381  
 for teachers, 86, 341, 342

Insulin distribution, 89

## Insurance

agents' certificates, 67,  
 155, 43

fire companies, premiums  
 and losses, 297

policies, 9ii

school fund loans, 225iii

Intangible tax, *see* Taxes,  
 excise

## Interest

bonds and notes, 76, 77

depository, 223

school fund loans, 82, 83, 261,  
 262, 342, 244, 247, 249, 251

taxes, 63, 293

warrants, 74

Intoxicants, *see* Liquor

## Inventories, 159

estate and guardianship,  
 159, 168, 169

railroads, 289

school fund loan, 226

tax stamps, 234, 235

trustees, 200

## Investigations

criminal, 43, 44, 197, 240

juvenile, 197

welfare assistance, 375,  
 376, 379

Iron works, 13

Issue dockets, 101, 122

Jack's Defeat Creek, 2, 13, 14

Jackson County, 24

Jackson Township, 1, 7

Jails, 47, 98, 99, 108-112, 138, 149  
 inspection, 47, 132, 190ii  
 insurance policies, 9ii  
 prisoners, 46, 132, 224-226, 201

medical services to, 134, 352

register, 200

Jefferson County, 24

Jeffersonville, Ind., 5

Jewelry factory, 14

Johnston, George H., 109

Jordan, David Starr, 19

## Judges

circuit court, 37, 184-187, 189  
 allowances, 72, 196

appointments by, 43, 44, 81,  
 100, 135, 138, 146, 194-197,  
 229, 238, 239, 247, 249, 250,  
 254, 256, 259, 294, 351, 362, 363

audits by, 76, 136

bonds of officials, approv-  
 al of, 154, 195, 199, 363

election, 79, 184-187, 325

election duties of, 328

feeble-minded commit-  
 ment, 200

first, 7

hospital commitment,  
 children, 94, 113i

instructions to jury, 103,  
 106, 144

marriages, 90, 195

notaries public appoint-  
 ments, 195

pistol licenses, 67

pro tem, 185, 229, 295

public records, commis-  
 sion of, 104, 194, 383

removal from office, 185

removal of welfare board,  
 363

salary, 184

school commitment, chil-  
 dren, 87

special, 185, 186

*Judges (cont.)*

common pleas, court of, 190, 191  
 election judges, 27, 78, 79, 325, 327, 331, 333, 334  
 probate court, 189, 190  
 supreme court, 186  
 Judgments, 35, 59, 199  
 circuit court, 39, 194  
 dockets, 125, 153  
 claims on, 71, 73, 74, 284  
 common pleas, dockets, 126  
 executions, *see* Executions  
 justices of the peace, 39, 127  
 payment, 35, 200, 284  
 quiet title, 65  
 index, 66  
 warrants to pay, 284  
 Judicial circuits, 37, 184, 188, 236, 239  
 Judicial districts  
 common pleas, court of, 190, 239  
 supreme court, 186  
 Junk dealers' licenses, 66, 155  
 applications, 41  
 Jurisdiction, *see* Appeals; Civil causes; Criminal causes; Estate causes; Guardian-ship causes; Juvenile causes; Probate causes  
 Jury, 43, 47, 196  
 box, 201  
 commissioners, 27, 43, 197, 201  
 coroner, 44, 234, 235  
 fees, 69, 72, 196, 281  
 grand, *see* Grand jury  
 instructions, 103, 106, 144  
 lists, 43, 44  
 register, 193  
 selection, 173, 197, 201, 226, 230  
 verdicts, circuit court, 7, 47, 210

Justices of the peace, 43, 134, 325  
 appeals, 38, 187, 193  
 board of justices, 28, 30, 130  
 bonds, official, 28, 291  
 index, 25  
 fines and fees, 37, 39, 187, 232, 256  
 inquests, 235  
 judgments, 39, 127  
 jurisdiction, 37, 39, 187  
 Juvenile causes, 87  
*See also* Children  
 affidavits, 183  
 appeals, *see* Appeals  
 court register, 185  
 dockets, 180, 197  
 fee book, 184  
 jurisdiction, 37, 41, 192  
 order book, circuit court, 181  
 probation officer, 27, 43  
 investigations, 197, 182  
 reports, 190iii  
 Juvenile court, 37, 87, 192  
 Kellough, David, 107  
 Kennel taxes, 65, 287  
 Kentucky, State of, 4  
 Ketchum, John, 11, 13, 106-108  
 Ketchum's mill, 11  
 Kindrick, Reuben, 16  
 Knights of Columbus, tax ex-  
 emptions, 58  
 Knox County, 24  
 Krebay Construction Company, 112  
 Laborers' liens, 169  
 Lafayette, 3  
 Lake, Jacob, 15  
 Lake, Joel, 15  
 Lake, Robert, 15  
 Land, *see* Real estate

- Lawrence County, 1, 2, 10  
 Leases, 170, 59, 86viii  
   school land, 81, 260  
   public buildings, 99  
   railroad equipment, 170  
 Lee, Eli, 11  
 Lee, John W., 108, 109  
 Legislature, *see* Indiana, State  
   of, general assembly  
 Leprosy, 89, 227  
 Letters  
   administrators and execu-  
     tors, 198, 199, 163  
   guardians, 198, 199, 163, 164  
   patents, 155, 45  
 Levees, 100, 132, 286, 373  
 Levies, *see* Judgments; Taxes,  
   property  
 Library, 108, 132  
   board, 29, 134, 194, 195, 343,  
     29, 191i  
   city, 343  
   funds, 25  
   Indiana University, housing  
     of county records, 114, 115  
   petitions, 156  
   school, 342, 337vii  
   state, 104, 105, 333, 334  
   tax exemptions, 50, 58, 253,  
     291, 304  
   township, 336  
   trustees, 28  
 Licenses, 30, 35  
   amusement operators, 8, 67,  
     267, 287  
   brokers, 66, 155  
   burial, 91, 353  
   chiropractors, 66, 154  
   collection agencies, 154  
   dentists, 66, 154, 35  
   dogs and kennels, 65, 227  
   drugless healers, 66, 154  
   exhibition of animals, 8  
   ferry, 9, 67, 68, 133, 139, 288  
   firearms, 155  
     applications, 47i  
     pistols, 67, 155, 195, 227, 46  
   fireworks, 228  
   foreign corporations, 170  
   hunting, trapping, and fish-  
     ing, 66, 152, 154  
   veterans, 48  
   junk dealers, 66, 155  
     applications, 41  
   liquor, 16, 66-70, 84, 155, 288  
   saloons, 288  
   taverns, 8, 267  
   marriage, 65, 66, 90, 91, 154,  
     30ii  
     affidavits, 30, 33  
     applications, 90, 30i, 32,  
       index, 31  
     index, 31  
   merchants, transient, 67, 287  
   midwives, 66, 154  
   motor vehicles, operators,  
     and chauffeurs, 51, 69,  
     227  
   occupations, 50, 51  
   optometrists, 66, 154, 36  
   osteopaths, 66, 154  
   peddlers, 67, 287  
   petty money lenders, 67, 155  
   physicians, 66, 154, 34  
   poultry dealers, 66, 155  
     applications, 29ii, 42  
   public property, use of, 96  
   school officials, 340, 341  
   shows, 8, 67, 267, 287  
   stallions, 66, 67, 155, 44  
   surgeons, 66, 154  
   teachers, 86, 339-341, 343,  
     344, 349  
   vendors, merchandise, 8, 16  
     foreign, 267, 288  
     transient, 67, 287  
   veterinaries, 66, 155  
   warehouses, public, 67, 287



**Liens***See also* Mortgages

- laborers, 169
- materialmen, 169
- mechanics, 60vii, 82
  - releases, 81
  - waivers, 80, 86
- sire, 169, 85
- special assessment, 100
- taxes, 53, 168
- threshermen, 169
- transfermen, 169
- vendors, 169
  - waivers, 80, 86

Limestone quarries, 14, 15

**Liquor**

- alcoholic beverage board, 29, 191i
- dealers' bonds, 6
- election, local option, 281, 296
- licenses, *see* Licenses
- taxes, *see* Taxes, excise

**Lis pendens**

- certificates, 135
- complaints, 134i
- notices, 200, 134ii
- redemptions, 48, 136, 137

**Listers, 27**

Little Turtle, Chief, 2

Littrel, Thomas, 13

Load limits, roads, bridges,  
and culverts, 98, 377

Lodge officials, 59, 86iv

Lost records, 104

Louisville, Chicago and New  
Albany Railroad, 10Louisville *Correspondent*, 7

Lowe, William, 6, 106

Lynching, 133, 226

Madison *Eagle*, newspaper, 7

Magistrates court, 29, 195

Mahurin and Mahurin, archi-  
tects, 112Males, enumerations, 20, 268,  
296, 297, 317**Mandamus, 192**

- appropriations, 35, 148
- bridge maintenance, 34, 35
- official bond approval, 34
- warrant issuance, 34, 283

Manufacturing, 13, 14, 21

Maps and plats, 36, 168

*See also* Plans

- assessor's book, 293
- Bloomington, 7, 94, 98, 99,  
215, 216, 321-323
- cities and towns, 69
- canals, 156
- drainage, 100
- Monroe County, 94, 96, 318,  
319
- recorder's plat book, 69
- roads, 98, 156, 377, 378, 391
- state lands, 298
- surveyor's plat book, 389
- township, 55, 289, 97, 320
- Vahalla Memorial Park  
Cemetery, 100

Marion Township, 7, 22

**Marks and brands**

- animals, 169, 91
- fence marks, 170
- food and drug, 89
- timber, 155
- trade marks, 155

Marriages, *see* Licenses; Vital  
statistics

Massachusetts, State of, 3

Materialmen's liens, 169

Maternity cases, health nurse,  
356, 366iii

Mathes, James M., 20

Matlock, James, 107

Matthews, John, 14

Maxwell, David H., 108, 109

Mayors, 256

Bloomington, 254

McCullough, William D., 109

- McHolland, Daniel, 5
- Meat inspection, 27, 133, 351
- Mechanics' liens, 60vii, 82  
     releases, 81  
     waivers, 80, 86
- Medical examination board, 243
- Memorial buildings, 99
- Meridian line, 132, 169, 170, 374
- Miami Indians, 2, 4
- Michigan, State of, 3
- Middle Fork, 7
- Midwives, 66, 90, 154
- Mileage, *see* Travel claims and allowances
- Military  
     associations, tax exemptions, 58  
     burial claims and allowances, 2, 11, 13, 15  
     discharges, 169, 87  
     enumerations, 156, 297  
     hunting, trapping, and fishing license, 48  
     Indiana National Guard, 58  
     monuments, 99  
     tax exemptions, veterans, 51, 291, 302  
     voting restrictions, 80
- Militia, *see* Military
- Milk inspection, 359
- Mineral rights, 169, 86, 89
- Miners' examination board, 134
- Minors, *see* Children; Juvenile causes
- Minutes of meetings  
     commissioners, board of, 2  
     index, 3  
     council, county, 23  
     education, board of, 331  
     election commissioners, board of, 329i  
     finance, board of, 222  
     primary election commissioners, 326i, 329
- public records, commission of, 384
- public welfare, board of, 369
- review, board of, 217
- tax adjustment, board of, 23, 24, 220, 221ii
- teachers' institutes, 342
- Miscellaneous record, recorder, 169-171, 59, 86
- Misdemeanors, 39, 45, 46, 226, 240
- Mississippi River, 3, 9
- Mitchell plain, 2
- Money lenders' licenses, 67, 155
- Monon Railroad, 10, 14
- Monroe, President James, 1
- Morgan County, 1
- Monroe County  
     agriculture, 11, 12, 20, 102, 103  
     area, 1  
     boards, historical list, 28, 29  
     boundaries, 1, 6  
     courts, historical list, 29  
     creation and organization, 5-7  
     drainage and topography, 1, 2  
     first  
         commissioners, board of, 6, 7  
         courthouse, 105  
         court session, 7  
         industries, 13-15  
         land entered, 5  
         roads, 10, 11  
         school, 17  
         settlers, 4, 5  
     governmental organization, 23-103  
     historical sketch, 1-22  
     maps and plats, 94, 96, 318, 319  
     officials, historical list, 25-28  
     population, 20

*Monroe County (cont.)*

present, 20-22  
 rainfall, 2  
 records system, 103-105  
 soils, 12  
 temperature, 2  
 Morbidity record, health  
     nurse, 366iv  
 Morgan-Monroe State Forest,  
     22  
 Mortgages, 36, 168, 59, 60iv,  
     72, 74  
*See also Liens*  
     assignments, 168, 80, 86  
     chattel, 59, 60v, 72, 77, 79  
         index, 71  
         recorder's receipts, 78  
         minute book, recorder,  
             75, index, 76  
     entry book, recorder, 57  
     foreclosure sales, *see* Sales  
     index, 71  
     releases, 168, 60vi, 80, 81,  
         86  
     school fund loan, 261-262,  
         59, 72, 73, 225ii  
         index, 71  
     tax exemptions, 58, 61, 76,  
         253, 291, 301, 303  
 Motor vehicle  
     bureau of, state, 36  
     county owned, title cer-  
         tificates, 9i  
     deaths from, 228, 235  
     highway account, 69, 97  
     licenses, 69  
         chauffeurs and operators,  
             51, 69, 227  
     registrations, 36, 51, 247  
     school busses, 87, 88, 343,  
         337ii, 341  
     stolen, 228, 203  
     traffic regulations, 98, 132,  
         377  
 Mount Tabor, 2, 9, 13

Muir, John and Company, 8  
 Municipal corporation tax  
     levies, 60, 61, 292  
 Murder, 45, 47, 132, 241.  
 Muscatatuck Colony, 152, 200  
 Muskingum soil, 12  
 Names:  
     change of, 37, 192, 242, 320  
     farm, 169, 88  
     firm and partnership, 155,  
         156, 170, 39, 40  
     road, 98  
 National Guard, 58  
 Naturalization, 117  
     affidavits, 115  
     declarations of intention,  
         201, 114  
     jurisdiction  
         circuit court, 37, 41, 187, 192  
         common pleas, court of,  
             41, 191  
     petitions, 115, 116  
 Ne exeat, 37, 192  
 Negroes  
     enumerations, 20, 297, 317  
     register, 155  
     schools, 87  
 New Albany and Salem Rail-  
     road, 10  
 New Orleans, La., 9  
*New Orleans*, steamboat, 10  
 New Purchase, 4  
*News Letter*, newspaper, 20  
 Newspapers, 7, 19, 20, 104, 132,  
     169, 383, 93  
 New York, N. Y., 10  
 New York, State of, 3  
 Nichols, Jonathan, 7, 109  
 Noel, Lewis, 5, 7, 109  
 Nominations, 77, 323-326, 332  
 Norman upland, 1  
 North Carolina, State of, 4  
*Northwestern Advocate*, newspaper, 20

Northwest Territory, 3, 5  
governor, 24

Notaries public, 195, 243  
bonds, 154, 26, 27, 29i  
index, 25

Notes, 76, 285

courthouse construction, 106  
field, 170, 374, 68, 390  
land purchase, 99  
tax exemptions, 58

## Notices

*See also* Notices by publication

appeal, 143

appointment

review, board of, members,  
218

road viewers, 286

assessment, 59, 86x

attachment, 200, 134ii

bridge acceptance, 20vi

challenge of voter, 320, 321

claim rejections, public  
welfare, 315x, 315xvii

circuit court, original doc-  
uments, 103, 107

dependent children, rejec-  
tion, 315xvii

depository resignations, 73

drainage assessments, 100

easement disputes, 170

elections, 227, 331, 332

eye examinations, 380

federal tax liens, 168

inheritance tax, 64

mechanics' liens, 60vii, 82  
name changes, 320

naturalization declara-  
tions, 201, 114

property tax assessments,  
53, 54, 56, 288, 289, 219

road hearings, 19ii, 21ii

tax sales, 62, 293

Notices by publication, 198

*See also* Notices

auction sales, public prop-  
erty, 96

bond issues, 77

budget estimates, 48

claims and allowances, 70,  
72, 282

condemnation hearings,  
schools, 287

elections, 227, 331, 332

estate and guardianship  
causes, 159

forest land purchase, 101

lot sales, Bloomington, 7

park petitions, 101

receipts and disbursements,  
75, 123

road bids, 18iv, 20iii

school funds unloaned, 263  
specifications for bids, 32,  
99

tax sales, 62, 293

for warrant payment, 74  
268, 283, 284

Nowland, William, 8

## Nurses

certificates, 66, 155, 37iv  
public health, *see* Public  
health nurse

register, 38

superintendent, health dis-  
trict, 356

training schools, 22

Occupation licenses, 50, 51

Officials, county

*See also* specific titles

constitutional offices, 151,  
165, 166, 184, 186, 187, 223,  
233, 236, 239, 265, 277, 371

historical list, 25-28

present list, vii, viii

register, 310

Officials, state, *see* Indiana,  
State of



- Officials, township, *see* Townships; Township trustees  
 Ohio, State of, 3  
 Ohio River, 1, 2, 5, 10, 22  
 Ohio Valley, 3  
 Oil production, 14  
 Old-age assistance, 169, 364  
*See also* Public welfare, department of  
   applications, 372i, 375, 376  
   assignment of assets, 92  
   burial claims, 315xv  
   certificates of award, 92, 365, 83, 84, 315xi, 315xii, 375, 376  
   claim schedules, 315xiv  
   investigators' reports, 375, 376  
   reimbursements, 92, 365  
     claims for, 315xvi  
     reports on estates, 378  
   rejection notices, 315x  
   withdrawal certificates, 315xiii, 377  
 Old-age pensions, 281, 297, 362, 373, 374  
 Oolitic Stone Company, 14  
 Ophthalmia Neonatorum, 89, 90  
 Options, 59, 86v  
 Optometrists' licenses', 66, 154, 36, 37iii  
 Orange County, 24  
 Order books, 199, 200  
*See also* Orders  
   circuit court, 201, 229, 123, 174, 181  
   common pleas, court of, 124  
   commissioners, board of, 11, 69, 295  
 Orders  
*See also* Order books; Writs  
   appellate court, 226  
   canvassers, board of, 328  
   circuit court, 39, 194, 199, 143  
   allowances, 72, 73, 284, 191iii, 283  
   commitments to custody, 94  
   election recount, 81  
   inheritance tax, 174, 175  
   institutional commitment, 94, 200  
   judgment execution, 198, 181  
   pistol, license to carry, 67  
   sale of real estate, 159  
   claims based on, 71  
   commissioners, board of, 95, 132, 138, 227  
   building construction, 8, 105-110  
   county seat, 6  
   record preservation, 103  
   council, county, 150, 227  
   education, board of, state, 340  
   election commissioners, board of, 334  
   governor, 78, 104  
   poor relief, *see* Poor relief  
   praecipies, 128  
   public instruction, state superintendent of, 86, 340  
   public records, commission of, 384  
   public welfare, state department of, 364  
   purchase, highway supervisor, 401  
   review, board of, 227, 253  
   road equipment repair, 399  
   school fund disbursement, 244, 248, 249, 252  
   tax reassessment, 57, 251, 212  
 Ordinance of 1787, 81

- Ordinances, 149  
     appropriations, *see* Appropriations  
     for borrowing money, 76, 77, 285  
     sale or purchase of real estate, 96  
     violations, 39
- Orphan children, 94
- Orthopedic services, 356, 358
- Osteopaths' licenses, 66, 154
- Ouiatenon, 3
- Overseers of the poor, 15, 136, 362
- Owen County, 1
- Owens, John, 16
- Page, court, 27, 44, 72, 196, 197
- Pardons, 47
- Parker, George, 5
- Parks, 21, 39, 100, 101
- Parks, Benjamin, 7
- Parks, George, 12
- Parks, James, 6
- Parochial schools, 88
- Paroles, welfare director, 43, 197
- Partition, real estate, 37, 169, 189, 192
- Partnerships, 156, 170, 39, 40  
     statements, for tax assessment, 295
- Pasteur treatment, hydrophobia, 353
- Patents  
     certificates, 155, 45  
     land, 168
- Patheological test, 88
- Paupers, 15, 136, 156
- Payrolls, 21
- Peddlers' licenses, 67, 287
- Penalties, tax, 25, 53, 55, 62, 63, 241, 288, 293
- Pensions  
     old-age, 281, 297, 362, 373, 374  
     teachers, 341
- Pering, Cornelius, 17
- Permits, *see* Licenses
- Perry County, 22, 24
- Perry Township, 7, 16, 18, 51
- Personal property  
     appraisements, *see* Appraisements  
     assignment, welfare assistance, 92  
     of county, sale, 96, 131  
     donations, dependent children, 365  
     inventories, estate causes, 168  
     mortgages, *see* Mortgages  
     taxes, *see* Taxes, property
- Petitions  
     *See also* Applications  
     for agricultural agent, 380  
     candidates, 324-326, 333  
     cemetery conveyance, 102  
     community houses, 99  
     condemnation, school buildings, 137, 149, 287  
     ditches, drains, and levees, 100, 182, 286  
     elections, 25, 81, 296  
     fairgrounds, 101, 102  
     libraries, 156  
     naturalization, 115, 116  
     parks, 101  
     poor farm purchase, 16  
     removal of surveyor, 296  
     roads and bridges, 10, 11, 96, 138, 149, 286, 181, 191, 201, 211  
     to tax commissioners, state, 57, 291
- Petit jury, *see* Jury
- Petty money lenders' licenses, 67, 155

- Phillips, Joseph, 16
- Photographic recording, 104.  
133, 172, 173
- Physicians, 14  
certificates, *see* Certificates  
county physician, 26, 134  
licenses, 66, 154, 34  
post-mortem examinations,  
235  
reports by  
blind assistance, 380  
tuberculosis examination,  
365iii  
vital statistics, 90
- Pistols  
applications, 47i  
licenses to carry, 67, 155,  
195, 227, 46  
sales, 67, 47ii
- Planning commission, 29, 134
- Plans and specifications  
*See also* Maps and plats  
bond issue specifications,  
285  
courthouse, 106, 107, 112, 396  
ditches, drains, and levees,  
100, 373  
jail, 110  
material and supplies, 32, 285  
roads, bridges, and culverts,  
97, 373, 392-395
- Plats, *see* Maps and plats
- Pneumonia serum, 89
- Policemen, railroad, 156
- Political parties  
appointments by, 325, 333, 334  
membership, as appointment  
qualification, 79, 81, 249,  
254, 259, 316, 329, 331, 333, 362  
placement on ballot, 333  
primary elections, 77, 78,  
322-326, 333  
registration record, 319
- Polk Township, 7
- Poll  
books, 78-80, 296, 325, 329, 330,  
332, 334  
clerks, 27, 78, 79, 325, 331, 333,  
334  
enumerations, 51, 287  
lists, 327, 328  
taxes, *see* Taxes, poll
- Polling places, 80, 332
- Poor asylum, 16, 95, 362, 8, 9  
bids, material and supplies,  
8ii  
bonds, contractors, material  
and supplies, 8iii  
health reports, 92  
inspections, 132  
insurance policies, 9ii  
physician, county, 134  
reports on inmates, 8iv  
requisitions, 8i  
superintendent, 16, 133
- Poor relief, 95, 284, 362, 282  
*See also* Public welfare, de-  
partment of  
auditors' reports, 258  
claims, 278, 281  
orders, 278  
overseers of the poor, 15,  
136, 362  
serums and bacterins, 89  
tax levies, 284  
trustees' reports, 280
- Population  
Monroe County, 20  
township tax assessment, 51,  
287
- Pork inspection, 27, 133, 351
- Posey County, 24
- Post, newspaper, 19
- Post Miami, 3
- Post-mortem examinations,  
235
- Potawatomi Indians, 3, 4
- Poultry dealers

*Poultry dealers (cont.)*

licenses, 66, 155  
 applications, 29ii, 42  
 reports to sheriff, 227, 202  
 Poundkeeper, 136  
 Powers of attorney, 170, 29iii,  
 59, 86vi  
 Praecipies, 128  
 Precinct, *see* Elections  
 Present officials, vii, viii  
 Primary election, *see* Elections  
 Primary election commission-  
 ers, board of, 28, 78, 322-326  
*See also* Elections  
 records of, 326, 327  
 location of, 116  
 Principals, school, 340, 338  
 Prison bounds, 156  
 Prisoners  
 bail, 46, 47, 226  
 index, 201  
 jail register, 200  
 lynching, 133, 226  
 meals, allowance, 224  
 medical services, 134, 352  
 transportation and care,  
 claims, 14i  
 work, 132  
 Probate causes  
*See also* Administrators; Civil  
 causes; Estate causes; Ex-  
 ecutors; Guardianship  
 causes; Probate court;  
 Wills  
 dockets  
 court, 121  
 sheriff, 194, 198  
 jurisdiction, 37, 41, 187, 189,  
 191, 192  
 order book, 174  
 Probate court, 29, 37, 189, 190  
*See also* Probate causes  
 appeals, 42, 187, 190  
 clerk, 42, 201  
 judge, 189, 190

jurisdiction, 40, 41, 187, 189,  
 190  
 Probation officer, 27, 43, 197,  
 364, 365, 182, 190iii  
 Prohibition proceedings, 192  
 Proofs of publication, *see* No-  
 tices by publication  
 Property, *see* Personal prop-  
 erty; Public property; Real  
 estate  
 Prophet, the, 4  
 Prosecuting attorney, 27, 30,  
 35, 36, 43-45, 62, 64, 65, 79,  
 236-243  
 records of, 210, 211  
 location of, 114  
 Pruett, Coleman, 5  
 Public debt, 76, 77  
 Public health nurse, 27, 88,  
 354-359  
*See also* Health officer  
 records of, 364-368  
 location of, 116  
 Public instruction, superin-  
 tendent of, *see* Indiana,  
 State of  
 Public property, 30, 131  
 buildings, 8, 30, 32, 96, 98-100,  
 131  
 contracts, *see* Contracts  
 courthouses, *see* Court  
 houses  
 inspections, 47, 132, 352  
 190ii  
 jails, *see* Jails  
 leases, 99  
 library, 108, 132, 134  
 sites, 34, 96, 98, 99  
 hospitals, *see* Hospitals  
 insurance policies, 9ii  
 land, 5, 10  
 airports, 34, 102  
 cemetery, 102  
 fairgrounds, 101, 102



*land (cont.)*

forests, 22, 101, 137, 149, 290  
 parks, 21, 39, 100, 101  
 pasture, 133  
 license to use, 96  
 motor vehicles, title certificates, 9i  
 sales, *see* Sales  
 Public records, commission of, 20, 104, 135, 194, 383, 384  
 Public records, state commission on, 105, 383  
 Public safety, state department of, 227, 228, 235  
 Public warehouses, 67  
 Public welfare  
*See also* Public welfare, department of  
 auditor's reports, 258  
 board of, 26, 194, 361-363, 315i, 370  
 minutes of meetings, 369  
 salary claims, 315viii  
 staff appointments and dismissals, 315iv, 315-vi, 371i  
 director of, 26, 195, 361, 363-365, 315ii  
 bonds, 195, 363, 26, 315iii  
 financial reports, 381  
 parole reports, 43, 197  
 recommendations, 370  
 oaths, authorizations to administer, 315v, 315vii, 371ii  
 quietuses, reimbursement from state, 383  
 state department of, 48, 92, 94, 95, 297, 363-366  
 tax levies, 365  
 warrants, auditor, 274  
 Public welfare, department of, 29, 92-95, 361-366

*See also* Blind assistance; Children; Old-age assistance; Poor relief; Public welfare  
 records of, 369, 388  
 location of, 116  
 Public works, board of, city, 39, 194  
 Purchase orders, highway supervisor, 401  
 Purdue University  
 agricultural extension services, 102, 103, 379, 381  
 county agents' reports, 381, 404  
 road school, 374, 378  
 scholarships, 136

Quarantine, 352  
 animals, hydrophobia, 228, 353  
 Quarries, 14, 15  
 Quiet title proceedings, 37, 168, 169, 192  
 judgments, 65  
 index, 66  
 Quietuses, 73, 75, 283, 266, 270  
 for fees collected, 69, 281  
 school fund loans, 262  
 welfare fund reimbursement, 383  
 Quitclaim deeds, 294, 59, 60-iii, 62  
 index, 58  
 Quo warranto proceedings, 37, 192, 242

Rabies, *see* Hydrophobia  
 Railroads, 10, 14  
 crossings, 242  
 leases of equipment, 170  
 policemen, 156  
 rights-of-way contracts, 86, 89  
 taxes, 52, 289

Rawlings, Roderick, 6, 106,  
108, 109

## Real estate

*See also* Buildings

acceptance of land, 100, 101,  
137, 149

airports, 34, 102

appraisements, *see* Appraise-  
ments

assessments, *see* Assess-  
ments; Taxes, property

bonds to sell, 165

cemeteries, *see* Cemeteries

condemnation of land, 34

deeds, *see* Deeds

donations of land, 100, 101

eminent domain, 34, 37, 100,  
131, 192

fairgrounds, 101, 102

farm land, 20

forest land, 22, 101, 137, 149,  
290

land grants, 82, 100

land offices, 5

leases, *see* Leases

liens, *see* Liens

mortgages, *see* Mortgages

parks, 21, 100, 101

partition, 37, 169, 189, 192

patents, land, 168

public pasture, 133

purchase of land, 14, 16, 22,  
96, 99-102, 280

tract book, recorder, 67

quiet title proceedings, 37,  
168, 169, 192, 65

judgment index, 66

sales, *see* Sales

school lands, *see* School lands

state land, *see* Indiana, State  
of

surveys, *see* Surveys

taxes, *see* Taxes, property

title causes, transcripts,  
138, 176

transfers

book, auditor, 55, 290, 290

tax duplicate, 61, 290

welfare assistance, 92, 93

Receipt of funds, 75

*See also* Funds; Receipts issued

auditor, 282, 262, 263, 266,  
267, 285, 289

clerk of the circuit court,  
153, 157, 200, 253, 50-52,  
54-56

fees of officials, *see* Fee  
books; Fees

finer, *see* Fines

poor relief, *see* Poor relief

school funds, *see* School  
funds

sheriff, 207

treasurer, 51, 62-64, 72, 73, 75,  
228, 262, 267-270, 281, 244,  
245, 247, 249-251

taxes, 235, 237, 238, 240,  
247

welfare funds, *see* Public  
welfare, department of

Receipts issued

*See also* Receipt of funds

collection agency bonds, 154  
dog tax, 65

road material, delivery and  
payment, 400, 403

treasurer, 75, 268, 283, 269  
school fund loan payments,  
262

taxes, 51, 64, 170, 239

tax sales, 309

venue, change of, papers, 188

welfare reimbursements, 332

Receiverships, 37, 192, 199,  
118, 119

Recognizance bonds, *see* Bonds

Recorder, 27, 30, 36, 69, 79, 92,  
98, 165-173

records of, 57-100  
location of, 112

## Records

commission of public records, 20, 104, 135, 194, 383, 384

commission on public records, state, 105, 383

election, 326, 329, 384

entry book, recorder, 171, 57

housing, care, and accessibility, 105-116

loss and destruction, 104, 105, 384

registration books, 321

preservation, 36, 103-105, 112-116, 384

cemeteries, 91

commissioners, board of, 132

photographic recording, 104, 133, 172, 173

state library, 104, 105, 383, 384

system approval, board of accounts, 103, 133, 283

Recount, elections, 81

## Redemptions

bonds, 99, 285, 5

judicial sales, 199

sheriffs' sales, 48, 136, 137

tax sales, 48, 63, 293

Reform law, county, 30, 146

## Registration

*See also* Registration officer challenges, voters, 320, 321 clerk, 27, 317

commissioners, 28, 318

dentists, certificates, 171, 37ii

farm names, 169, 83

inspectors, 27, 296, 317

insurance agents, 67, 155, 43

jail register, 200

jury register, 193

motor vehicles, 36, 51, 247

negroes, 155

nurses, 66, 155, 37iv, 38

precinct, board of, 29, 317, 318

state land, 298

Torrens system, land titles, 36

township board of registry, 29, 317

voters' affidavits, 80, 319-321

Registration officer, 27, 80, 152, 316-321

*See also* Clerk of the circuit court; Elections; Registration

records of, 324, 325

location of, 115, 116

## Releases

contracts, 80, 86

federal tax liens, 168

mechanics' liens, 81

mortgages, 168, 60vi, 80, 81, 86

vendors' liens, 169

*Religious Times*, newspaper, 20

## Remonstrances

*See also* Appeals

bond issues, 77, 285

ditch and drainage, 100

park purchase, 101

roads and bridges, 96, 19iii

saloon licenses, 288

Removal of officials, *see* Appeals; Grand jury; Judges

Rennean, Jesse, 103

Replevin, 198

## Reports

*See also* Financial reports

administrators and executives, 159, 161

agricultural agent, 381, 404

auditor

poor relief, 258

tax levies, 59

births, *see* Vital statistics

*Reports (cont.)*

coroner, 235  
 deaths, *see* Vital statistics  
 diseases, *see* Vital statistics  
 firearms, sales of, 47ii  
 fire insurance premiums and losses, 297  
 grand jury. jail inspection, 190ii  
 guardianship causes, 159, 161  
 health officers, 89-92, 353  
 highway supervisor, 378, 402  
 home demonstration agent, 405  
 infant eye inspection, 90  
 judges, circuit court, clerks' records, 76, 136  
 marriages, *see* Vital statistics  
 physicians  
   blind assistance, 380  
   sanitarium admittance, 365iii  
 poor asylum, 8iv  
 poultry dealers, 227, 202  
 probation officer, 43, 197  
 prosecuting attorney, 36, 243  
 public health nurse, 359, 364  
 public welfare department, 284  
   estates of recipients, 378  
   investigators, 375, 376, 379  
   paroles, 43, 197  
 schools  
   bus operators, 341ii  
   examiners, teachers' licenses, 340  
   inspectors, 334  
   superintendent, 341, 344, 332-346  
   teachers, 338, 340, 344, 352  
   textbook sale, 346  
   trustees, 344, 336, 339, 346

stolen motor vehicles, 228, 203  
 tax sales, 268  
 viewers, roads, 286, 19iv, 21iii  
 Reprieves, 47  
 Requisitions  
   poor asylum, 8i  
   road supplies, 286, 22  
 Resolutions, 59, 86x  
 Returns, *see* Elections; Vital statistics  
 Revenue bonds, *see* Bonds  
 Review, board of, 29, 52, 54, 56, 57, 249-253  
   records of, 217-219  
     location of, 114  
 Rewards, 182  
 Richland Township, 7  
 Rights-of-way contracts, 100, 86, 89  
 Riley hospital, *see* Children  
 Roads, 9, 30, 96-98, 131, 137, 286, 373  
*See also* Highway supervisor  
   appeals, 139  
   assessments, 97, 132, 286, 236  
   bids, 10i, 18ii, 19vi, 21iv  
     proofs of publication, 18iv, 20iii  
   bonds, 69, 96  
   commissioners, 136  
   contracts, 10iii, 18iii, 19vii, 21v  
     bonds of contractors, 10ii  
   corduroy, 11  
   districts, 137, 377  
     supervisors, 27, 137, 377  
   equipment, repair orders, 399  
   estimates, 377, 19v  
   funds, 10, 96, 97, 397, 398  
   hearings, notices of, 19ii, 21ii  
   land for construction, 34



*Roads (cont.)*

load limits, 98, 377  
 maps and plats, 98, 156, 377,  
     378, 391  
 material purchase  
     orders, 401  
     receipts for delivery, 403  
     receipts for payment, 400  
     requisitions, 286, 22  
 names, 98  
 petitions, 10, 11, 96, 138, 149,  
     286, 18i, 19i, 21i  
 plans and specifications,  
     97, 373, 392, 394  
 present system of, 21  
 railroad crossings, 242  
 record, commissioners,  
     board of, 286, 2, 16, 17  
 remonstrances, 96, 19iii  
 school, Purdue University,  
     374, 378  
 state, 10, 11, 21, 97, 394  
 superintendent, 26, 137, 377  
 taxes, 97, 150, 286, 237, 300  
     motor vehicle highway ac-  
     count, 69, 97  
 township supervisors, 137  
 traffic control, 98, 132, 377  
 turnpike directors, board  
     of, 28, 137, 377  
 viewers, 10, 11, 96, 134, 286  
     reports, 286, 19iv, 21iii  
 work, compulsory, 10  
 Rockport, Ind., 11  
 Rogers, Benjamin, 109  
 Rogers, David, 5, 6  
 Ross, Ralph, 13  
 Salaries, 48, 68, 74, 284  
     agricultural agent, 379  
     assessor, 244, 245  
     auditor, 147, 278, 279  
     clerk of the circuit court,  
         151, 153  
     commissioners, board of, 129

council, county, 147  
 health officer, 351  
 highway supervisor, 376  
 home demonstration agent,  
     381  
 janitor, school, 337v  
 judge of the circuit court,  
     184  
 prosecuting attorney, 237,  
     238  
 public health nurse, 355  
 public welfare department,  
     315viii  
     director, 364  
 recorder, 166, 167  
 schools, superintendent of,  
     338  
 sheriff, 224, 225  
 surveyor, 371, 372  
 teachers, 337i  
 treasurer, 265, 267  
 Sales  
     bills of sale, 59, 86ii  
     estate and guardianship,  
         170  
     bonds and notes, 77, 285  
     contracts, 60viii, 75  
     firearms, 67, 47ii  
     fixtures, 168  
     intangible tax stamps, 65,  
         269, 234, 235  
     judicial, redemption, 199  
     personal property, county,  
         96, 131  
     real estate, 96-99, 131, 148, 280  
         airports, 102  
         Bloomington lots, 7, 8  
         bonds for, 165  
         circuit court orders, 159  
         courthouse, 107  
         fairgrounds, 102  
         school fund loan fore-  
             closure, 262  
         school lands, 81, 82, 294

- real estate (cont.)*  
 seminaries, 82  
 state land, 10, 81, 82, 101, 298  
 retail store, 21  
 sheriff, 226  
   certificates, 200, 13 5  
   deeds, 59, 61, index, 58  
   redemption, 48, 136, 137  
 for taxes, *see* Taxes, property  
 textbooks, school, 336, 342  
 trustees, reports, 346
- Saline lands, 82  
 Saloons, *see* Liquor  
 Salt Creek, 1, 2, 7, 9, 10  
 Salt Creek Township, 7, 11, 13  
 Salt inspectors, 27, 133, 351  
 Sample ballots, 326ii, 329  
 Sanders, Ind., 14, 15  
 Sanitarium, tuberculosis, 365  
 Sanitation, *see* Health officer;  
   Public health nurse  
 Sawmills, 13, 14  
 Scholarships, 136, 343  
 School fund board, 29, 83, 259-263  
   *See also* Schools  
   records of, 224-227  
   location of, 114  
 School funds, 17, 48, 87, 137, 381  
   *See also* Funds; Schools  
   apportionment, 342  
   auditor's accounts, 263, 281, 294, 342, 266, 267, 272, 273, 286-289  
   common school fund, 82, 83, 235, 260, 262  
   relief, 84, 85, 342  
   Congressional Township, 81-83, 261-263  
   deficits, 342, 343  
   disbursement orders, 244, 248, 249, 252
- Indiana University permanent endowment fund, 83, 260-262  
 intangible tax, 70  
 loans, 82, 83, 259-263, 269, 294, 224, 227  
   abstracts of title, 261, 225i  
   administrator, 260  
   fees, 259  
   foreclosure and sale, 262  
   insurance policies, 225iii  
   inventories, 226  
   mortgages and releases, 261-263, 59, 72, 73, 225-ii, index, 71  
   payments and collections, 244, 247, 249, 251, 266, 267, 287, 289  
 management, warrants for, 74, 284  
 seminaries, 17, 260, 267  
 superintendent of schools, 342, 343  
   reports, 286, 332, 333, 335, 336, 339, 344  
 treasurer's accounts, 244, 247-249, 251, 252  
 trustees' reports, 342, 336, 339  
 unloaned, 262, 263
- School lands, 18, 81, 82, 137, 294  
 leases, 81, 260  
 tax exemption, 58  
 title, records destroyed, 294  
 Schools, 30, 81-88  
   *See also* Education, board of;  
   School fund board; School funds; School lands; Schools, superintendent of; Teachers  
   agricultural, 102, 103  
   attendance and truant officers, 26, 28, 336, 337, 340, 341  
   record of, 345

*Schools (cont.)*

blind, 87, 92  
 Bloomington, 21, 22  
 bonds, retirement, 85  
 buildings, 17, 18, 21, 99, 343,  
   344  
   condemnation, 187, 149, 287,  
     342  
   repair, cost of, 337ix  
 busses, 87, 88, 343, 337ii  
   bids for route contracts,  
     341i  
   operators' reports, 341ii  
 children  
   attendance, 83-87, 261, 342,  
     344, 338, 340, 344, 352,  
     355  
   distribution, 294  
   enumeration, 297, 344, 344,  
     359  
   health examination and  
     training, 88, 342, 356, 357,  
     366i  
   transfers, 247, 343, 337iii,  
     344  
   withdrawals, 356, 357  
   work permits, 342, 351  
 city and town, 70, 84, 86, 88,  
   340, 341  
 closing by health officer,  
   352  
 commissioners, 26, 156, 256,  
   260  
 deaf, 87  
 enrollment, 17, 18, 21, 354  
 equipment cost, 337viii  
 examiners, 26, 339, 340  
 Fort Wayne, state, 152, 200  
 fraternities, 58  
 fuel, cost of, 337iv  
 graduates, 341, 353, 358  
 Honeycreek School, 22  
 inspections, 86, 87, 344, 334  
 janitor, 337v  
 lands, *see* School lands

libraries, 342, 337vii  
 licenses of officials, 340  
 negro, 87  
 nurses' training, 22  
 parochial, 88  
 principals, 340, 338  
 property appraisement, 247,  
   342  
 road, Purdue University,  
   374, 378  
 scholarships, 136, 343  
 sections, trustees and su-  
   perintendent, 28, 260  
 seminaries, 17, 82  
   state, 17-19  
   trustees, 18, 28, 260  
 supplies, 336, 337vi  
 tax exemptions, 50, 58, 253,  
   291, 304  
 textbooks, 86, 336, 342  
   sales, trustees' reports,  
     346  
 trustees  
   bonds, 312, 314  
   cities and towns, 84, 256,  
     335, 342, 344  
   Indiana University, 261  
   reports, 344, 336, 339, 346  
   seminary, 18, 28  
   tuition, 18, 83, 85, 342  
   vocational, 85, 87  
 Schools, superintendent of,  
   27, 84, 86, 337-344  
*See also* Schools  
   records of, 332-359  
     location of, 116  
 Scott, John, 10  
 Scotts' Ferry, 10  
 Secretary of state, 105, 325  
   333  
 Seminaries, *see* Schools  
 Sentences, criminal causes,  
   39, 194  
 suspended, docket, 152

## Settlements

- auditor, 73, 283
- treasurer, 75, 76, 133, 267, 270
- Seward, Austin, 107, 109
- Sewers, 100
- Sharp, George, 5
- Shawnee Indians, 4
- Shelbyville, Ind., 11
- Sheriff, 28, 30, 42-47, 67, 69, 72, 78, 79, 223-229
  - records of, 194-208
  - location of, 114
- Sheriff, election, 27, 78, 79, 325, 333, 334
- Sheriffs' sales, *see* Sales
- Shirley, Leason, 9
- Show licenses, 8, 67, 267, 287
- Silverware factory, 13
- Sinking fund, 77
- Sire liens, 169, 85
- Smallpox virus, 89
- Smith, Addison, 17
- Smith, Samuel A., 16
- Smithville, Ind., 1, 22
- Social Security Act, 364
- Soldiers, *see* Military
- Sororities, tax exemption, 58
- South Carolina, State of, 4
- Sparks, W. J., 9
- Special elections, *see* Elections
- Specifications, *see* Plans and specifications
- Speed, James, 7
- Spencer County, 25
- Stafford, Robert, 106
- Stallion
  - licenses, 66, 67, 155, 44
  - liens, 169, 85
- Star, newspaper, 93
- State, *see* Indiana, State of
- Statements, financial
  - See also* Cash balances; Funds
  - auditor, 60, 260

- corporations, 294, 295
- depositories, 73, 253, 223
- Steamboats, 9, 10
- Stine, Noah, 13
- Stinesville, Ind., 14
- Stolen motor vehicles, 228, 203
- Stone, Ellis, 109
- Storm, John, 106
- Subpoenas, 46, 198, 103, 107, 210
  - coroner, 235
  - for county commissioners, 138
- enumerations, auditor, 296
- Summonses, 198, 226, 103, 107, 210
- Superintendent
  - bridge, 134
  - county, 27
  - highway, 26, 137, 377
  - nurse, health district, 356
  - poor asylum, 16, 133
  - schools, *see* Schools, superintendent of
- Supervisors, road, 27, 137, 377
- Support and alimony, 37, 192
  - docket, 139
- Supreme court, Indiana, *see* Appeals; Indiana, State of
- Surety of the peace, 242
- Surgeons' licenses, 66, 154
- Surveyer, 7, 30, 71, 79, 97, 98, 100, 371-374
  - See also* Surveys
  - records of, 389-396
  - location of, 116
- Surveys, 5, 389
  - See also* Surveyor
  - drainage, 100
  - field notes, 170, 374, 68, 390
  - meridian line, 132, 169, 170, 374
  - tax assessment, 56, 57
  - township, 70
- Switzerland County, 24
- Syphilis, 90, 356, 358



- Tally sheets, election, 80,  
81, 327-329
- Tanneries, 14
- Taverns, 8, 267
- Tax accounting system, modern, 123
- Tax adjustment, board of, 29,  
52, 60, 254-256  
records of, 220, 221  
location of, 114
- Tax commissioners, *see* Appeals;  
Indiana, State of
- Taxes, excise, 50, 51, 64-68,  
238, 240, 247  
corporations, 61, 252, 269  
statements, 294, 295  
dogs and kennels, 65, 85, 227,  
287  
trustees' reports, 282, 257  
financial institutions, 64,  
82, 269, 287  
gasoline, 50, 69  
gross income, collection  
warrants, 152, 200, 227, 206  
inheritance and transfer,  
50, 64, 199, 269, 233  
appraisement, 64, 244, 247,  
174, 175, 213  
suits to collect, 34, 64  
intangible, 36, 64, 65, 70, 84,  
171, 287, 214  
stamp sales, 65, 269, 234,  
235  
licenses, *see* Licenses  
receipts issued, 64, 170, 239
- Taxes, poll, 50, 51, 61, 84, 85,  
269, 287, 238, 240, 247  
delinquent list, 297, 299  
exemptions, 51, 135  
receipts issued, treasurer,  
51, 239
- Taxes, property, 50-63  
abstracts, 61, 62, 292  
appeals, *see* Appeals  
assessment liens for public  
improvements, *see* Assess-  
ments  
assessment for taxes, 8, 50-59  
appraisement record, au-  
ditor, 296  
assessor, county, *see* As-  
sessor  
assessor's book, 291  
auditor, 280, 287-291  
corporations, 82, 252, 294,  
295  
listers, 6, 27, 53-55, 136  
personal property sched-  
ule, 292  
plat book, assessor, 293  
railroads, 52, 289  
reassessment, 251, 291, 212,  
219  
review, *see* Review, board  
of  
roads, 300  
treasurer, 269, 271  
budget, *see* Budget  
collection, 30, 35, 36, 52, 62,  
63, 74, 75, 171, 267, 269, 294  
collector, 28, 137, 227, 267,  
268  
fees of treasurer, 266  
insolvent, 231  
moratorium, 232  
penalties and interest, 35,  
53, 55, 62, 63, 241, 288, 293  
receipts issued, 239  
roads, 237  
sheriff, 267  
suits, 34, 62, 241  
treasurer's accounts, 237,  
238, 240, 247  
delinquent lists, 292, 293,  
228, 230, 297, 299  
duplicates, 51, 54, 55, 61, 65,  
247, 252, 269, 286, 287, 289, 292,  
228, 229, 297, 298, 300

*Taxes, property (cont.)*

exemptions, 50, 57-59, 61, 76,  
     271, 304  
 affidavits, 58, 253, 291,  
     301-303  
 levies and rates, 30, 52, 59-  
     61, 130, 148, 291, 292, 295,  
     296, 24iii  
 by auditor, 292  
 forest land, 22  
 land purchase, 101  
 libraries, 156  
 loan payment, 77  
 poor relief, 284, 362  
 public welfare, 365  
 roads, 97, 150, 286  
 schools, 82-85, 87  
 refunds, 131, 293  
 sales, 62, 63, 268, 269, 293,  
     305, 306  
     certificates, 62, 63, 268,  
         293, 307  
     deeds, 62, 63, 268, 293, 59,  
         64, index, 58  
     forfeitures, 308  
     receipts issued to pur-  
         chasers, 309  
     redemptions, 48, 63, 293  
 settlements, 75, 76, 270  
 Tax ferrets, 28, 134  
 Taxpayers' suits, 33, 34  
 Teachers, 344, 347, 348  
*See also Schools*  
     contracts, 341  
     dismissal and resignation,  
         343  
     first, 17  
     institutes, 86, 341, 342  
     licenses, 86, 339-341, 344, 349  
         examinations, 340, 343, 344  
     pensions, 341  
     qualifications, 86, 339  
     reports, 338, 340, 344, 352  
     retirement fund, 338, 341  
     salaries, 337i  
     success grades, 350

Tecumseh, Chief, 4  
 Tennessee, State of, 4  
 Textbooks, school, 86, 336, 342  
     sales, trustees' reports, 346  
 Theatre licenses, 67, 287  
 Thompson, John, 109  
 Threshermen's liens, 169  
 Tilsit silt loam, 12  
 Timber brands, 155  
 Tippecanoe, battle of, 4  
 Tobacco inspectors, 28, 137,  
     195, 351  
 Torrens system, registration  
     of land titles, 36  
 Towns, *see* Cities and towns  
 Townships  
     *See also* Township trustees  
         assessors, *see* Assessors,  
             township  
 Bean Blossom, 5, 7  
 Benton, 7  
 Bloomington, 7, 51  
 bonds of officials, 153, 294,  
     295, 311, 314  
 Clear Creek, 5, 7, 15  
 Congressional, *see* School  
     funds  
     creation and modification,  
         131, 132, 139  
 dog fund, 65, 282  
 elections, 328, 329, 334  
 Indian Creek, 7  
 institute, teachers, 86  
 Jackson, 7  
 libraries, 336  
 maps and plats, 55, 289, 97,  
     320  
 Marion, 7, 22  
 Perry, 7, 16, 18, 51  
 Polk, 7  
 population, tax assessment,  
     51, 287  
 Richland, 7  
 registry, board of, 29, 317  
 road supervisors, 377

*Townships (cont.)*

- Salt Creek, 7, 11, 13
- schools, *see* Schools
- surveys, 70
- Van Buren, 7, 13, 16
- Washington, 7
- Township trustees
  - See also* Townships
  - bonds, 295, 311, 314
  - budget, 48
  - deputy surveyors, 372
  - disbursements, 281, 282, 253, 280
  - dog taxes, 287, 257
  - election duties, 79, 317, 331, 333, 334
  - enumerations, 296, 297
  - poor relief, *see* Poor relief
  - roads, 377
  - sanitarium admittance certificates, 365ii
  - schools, 84, 85, 87, 88, 99, 260, 335, 338, 359, 342-344
    - election of superintendent, 86, 295, 337, 340
  - tax assessments, 51, 246, 251, 256, 286, 287
- Tract book, recorder, 67
- Trade-marks, 155
- Trade names, 155, 39, 40
- Traffic control, roads, 98, 132, 377
- Transferrmen's liens, 169
- Transfers
  - real estate, *see* Real estate
  - school children, 247, 343, 337iii, 344
  - voters' registrations, 319, 320
- Transient merchants' licenses, 67, 287
- Trapping licenses, 66, 154
  - veterans, 43
- Travel claims and allowances
  - assessor, 244
  - commissioners, board of, 129
  - coroner, 234
  - institutional inmates, 14
  - jury record, 193
  - public welfare department, 363, 364
  - school superintendent, 338
  - sheriff, 224, 208, 279
  - surveyor, 372
- Treason, 45, 46, 241
- Treasurer, 6, 15, 28, 30, 34, 51, 52, 62-65, 69, 72-74, 79, 98, 103, 108, 265-271
  - records of, 228-252
    - location of, 114, 115
- Treasurer, state, *see* Indiana, State of
- Treasury balances, *see* Cash balances
- Treaty of Greenville, 2, 4
- Truant officer, 28, 336
- Trust companies
  - depositories, *see* Depositories
  - taxes, 64, 269
- Trustees and trusteeships
  - cities and towns, 256
  - Indiana University, 261
  - inventories, 200
  - libraries, 28
  - schools, *see* Schools; School funds
  - township, *see* Township trustees
- Tuberculosis control, 22, 89, 256, 357, 367, 368
  - state sanitarium, 365
- Tuition, 18, 83, 85, 342
- Turnpike directors, board of, 28, 137, 377
- Typhoid fever bacterins, 89
- Unemployment compensation, state board, 227

- Unionville, Ind., 1, 22
- United States, 10
  - Congress, 5, 10, 77, 325
  - emergency relief adminis-  
tration, 112
  - farm mortgage corporation,  
262
  - naturalization, 201, 114, 117
  - petitions, 115, 116
  - patents, 155, 45
  - property tax exemptions, 58
  - public health service, 92, 353
  - roads and canals, 97, 394
  - Social Security Act, 364
  - tax lien releases, 168
  - welfare funds, 48
- Vahalla Memorial Park Cem-  
etery, 100
- Valuation, *see* Appraisements
- Van Buren Township, 7, 13, 16
- Vendors
  - licenses, *see* Licenses
  - liens, 169
  - waivers, 80, 86
- Venereal diseases, 89, 90, 356, 358
- Venire, 201
- Venue, change of, 188, 189
  - claims for costs, 275
  - transcripts, 152, 201
- Verdicts
  - circuit court, 47, 210
  - coroner, 200, 235
- Veterans, *see* Military
- Veterinaries
  - county, 27, 134
  - licenses, 66, 155
- Viewers
  - ditches, drains, and levees,  
100, 286
  - fence, 134
  - roads and bridges, 10, 11,  
96, 134, 286
  - reports, 19iv, 21iii
- Vincennes, Ind., 3, 11
- Virginia, State of, 3, 4
- Vital statistics, 353, 356, 358
  - births, 90, 91, 356, 360
  - certificates, 89, 91, 358
  - bureau of, 90
  - deaths, 90, 91, 363
  - certificates, 91
  - inquests, *see* Inquests
  - from motor vehicles, 228,  
235
  - soldiers, sailors, and ma-  
rines, 297
  - voters, 321, 353
- diseases, 89, 90, 92, 353, 355-  
358, 362
- leprosy, 89, 227
- quarantine, 352
- tuberculosis, 22, 89, 356,  
357, 365, 367, 368
- venereal, 89, 90, 356, 358
- enumerations, *see* Enumera-  
tions
- marriages, 90, 195, 361
  - affidavits, 30, 33
  - applications, 30i, 32, in-  
dex, 31
  - certificates, 91, 30iii
  - index, 31
  - licenses, *see* Licenses
- Vocational schools, 85, 87
- Volunteer firemen, tax exemp-  
tions, 51, 291
- Voters
  - See also* Elections
  - absent, ballots, 80, 327, 330
  - challenges, 320, 321
  - deceased, 321, 353
  - disfranchised, 321
  - qualifications, 79, 80, 317,  
318
  - registration, *see* Registra-  
tion; Registration of-  
ficer



*Voters (cont.)*

- removal from precinct, 319, 320
- Voting machines, 80, 122, 332
- Vouchers, township trustees, 253
- Wabash River, 3
- Waivers, mechanics' and vendors' liens, 80, 86
- Walker, J. F., 20
- Walker, Dr. W. S., 9
- Wampler, Henry, 13
- Wampler, Park and Egbert and Company, 9
- Warehouse permits, 67, 287
- Warrants
  - disbursement, *see* Disbursements
  - to sheriff, 46, 198, 200, 226, 289, 205
  - income tax collection, 152, 200, 227, 206
- Washington County, 24
- Washington Township, 7
- Water inspection, 88, 89, 352, 359
- Waterways, 9, 10, 131
- Watts, Edward M., 14
- Wayne County, 24
- Weights and measures, 132, 156
  - inspector of, 26, 133
- Welfare, public, *see* Blind assistance; Children; Old-age assistance; Poor relief; Public welfare, department of
- Western Sun*, newspaper, 7
- Western Times*, newspaper, 20
- Whisenand, John, 13
- White River, 3, 14
  - East Fork, 2
  - West Fork, 1, 2, 6, 9
- Whitson, Wesley, 108
- Williams, Zachariah, 108
- Wills, 170, 191, 59, 86vii, 166, 167
  - See also* Probate causes
- Wisconsin glacial line, 1
- Witnesses
  - depositions, 199
  - fees, 72, 196, 233, 54, 56
  - grand jury, 45
  - naturalization affidavits, 115
  - subpoenas, *see* Subpoenas
- Woodward, Bartlett, 6, 7
- Workhouse, prisoners, 132
- Work permits, school children, 342, 351
- Wright, Joseph A., 18
- Wright, William S., 109
- Writs
  - See also* Orders
  - arrests, *see* Arrests
  - attachment, 198, 181
  - ejectment, 198
  - foreign, sheriff's register, 196
  - garnishment, 198
  - habeas corpus, 37, 47, 192, 198
  - ne exeat, 37, 192
  - property inspection, taxes, 289
  - replevin, 198
  - against sheriff, 236
  - subpoenas, *see* Subpoenas
  - summonses, *see* Summonses
- Wylie, Dr. Andrew, 19
- Young Men's Christian Association, 58



*INVENTORY OF THE COUNTY ARCHIVES OF INDIANA*

The following volumes of this series have been issued by  
The Indiana Historical Records Survey:

- NO. 2. ALLEN COUNTY  
(Indianapolis, The Indiana Historical Records Survey, 1939)
- NO. 6. BOONE COUNTY  
(Indianapolis, Indiana Historical Bureau, 1937)
- NO. 11. CLAY COUNTY  
(Indianapolis, The Historical Records Survey, 1939)
- NO. 18. DELAWARE COUNTY  
(Indianapolis, The Indiana Historical Records Survey, 1940)
- NO. 28. GREENE COUNTY  
(Indianapolis, The Historical Records Survey, 1939)
- NO. 34. HOWARD COUNTY  
(Kokomo, Published by Howard County, Indiana, 1939)
- NO. 46. LA PORTE COUNTY  
(Indianapolis, Indiana Historical Bureau, 1939)
- NO. 49. MARION COUNTY  
(Indianapolis, Indiana Historical Bureau, 1938)
- NO. 53. MONROE COUNTY  
(Indianapolis, The Indiana Historical Records Survey, 1940)
- NO. 65. POSEY COUNTY  
(Indianapolis, The Indiana Historical Records Survey, 1940)
- NO. 71. ST. JOSEPH COUNTY  
(Indianapolis, Indiana Historical Bureau, 1939)
- NO. 73. SHELBY COUNTY  
(Indianapolis, The Indiana Historical Records Survey, 1940)
- NO. 82. VANDERBURGH COUNTY  
(Indianapolis, The Historical Records Survey, 1939)
- NO. 87. WARRICK COUNTY  
(Indianapolis, The Indiana Historical Records Survey, 1940)

2431















